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UNITED STATES DEPARTMENT OF AGRICULTURE
Food Distribution Administration

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**SUMMARY OF FEDERAL AND STATE LAWS CONCERNING THE
MARKETING OF FRESH FRUITS AND VEGETABLES**

As it Relates to Standards for Containers, Their Re-use, Marking Requirements, Methods of Sale and Allied Subjects

Washington, D. C.
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By

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The following Summary of State Laws and Regulations has been compiled from material furnished on request by officials of the State Departments of Agriculture. The provisions of some State laws and regulations seemed on analysis to be conflicting. In such cases the interpretation presented has been checked with responsible State officials.

In the three instances where the desired material was not furnished, a notation to that effect has been made. The information used was obtained from the Law Library of the U. S. Department of Agriculture.

This publication supersedes Summary of Federal and State Laws Pertaining to Containers for Fruits and Vegetables, and Synopsis of Federal and State Laws Relating to Legal or Standard Weights per Bushel and the Sale of Fruits and Vegetables.

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Purpose

There has been a growing demand for information concerning Federal and State laws relating to containers for fresh fruits and vegetables, marking requirements, re-use of containers, and allied subjects pertaining to the marketing of these commodities. The purpose of this publication is to give, not a complete history of such laws and regulations, but to present an outline of the salient features which may serve for reference purposes or as a foundation for further study by those desiring more detailed information on these subjects. Nor is it within the scope of this bulletin to deal with other phases of marketing, such as the standardization or grading of fresh fruits and vegetables ^{/1}, or the licensing and regulation of dealers in those products. ^{/2}.

Lack of Uniformity in Standards

This compilation discloses a great lack of uniformity in State laws and regulations governing the marketing of fresh fruits and vegetables as they relate to containers, methods of sale, re-use of containers, bushel weights, etc. The tremendous interstate movement of these products would be seriously disrupted if these laws and regulations were strictly enforced. There have been instances of one State refusing to accept a standard container adopted by another State, or imposing a minimum weight requirement on the contents of a standard container used by another State, with retaliatory measures being taken. In the past few years considerable study and publicity have been given the matter of State barriers to the free flow of trade, and the trend is toward elimination of obstructive measures of this kind. World War II has given impetus to the movement to remove such obstacles so as to permit free movement of goods throughout the country.

Uniformity in Standards

The idea of uniformity in standards is not a modern one. Back in the 13th. century laws were enacted under Henry III of England to accomplish this purpose, and later rulers in England and elsewhere attempted to bring about some uniformity in standards. The necessity of proper standards was recognized by the authors of the Constitution, who provided that Congress be authorized to fix the standards of weights and measures. Washington recognized the importance of uniformity of weights and measures and repeatedly, but unsuccessfully, made recommendations to Congress, as did later Presidents. In the absence of Congressional action most of the States adopted standards of one kind or another, independently of the Federal Government and of each other.

The Bushel

In 1830 the Senate had directed the Treasury Department to make a comparison of the weights and measures in use at the principal Custom Houses, and as a result of the discrepancies found, the Department, without further authority from Congress, took steps to correct the condition by adopting definite standards, among which was the "Winchester" bushel of 2150.42 cubic inches. It was not until nearly one hundred years later, however, with the passage by Congress of the Standard Container Act of 1928, that this bushel was formally recognized by law.

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- ^{/1} See "Present Status of State Legislation in the U. S. as it Relates to the Standardization of Fresh Fruits and Vegetables" by R.L. Spangler, Assoc. Mktg. Specialist, U.S. Department of Agriculture.
- ^{/2} The Perishable Agric. Commodities Act and the Produce Agency Act, which provide for licensing and regulation of dealers in fresh fruits and vegetables are administered by the Food Distribution Admin. of the U. S. Dept. of Agriculture.

Bushel Defined

"The bushel was first defined in the time of Henry III in the Statute of the Assize of Bread and Ale in these words: 'Eight pounds do make a gallon of wine and eight gallons of wine do make a bushel.' The idea of weight and capacity were closely related. The unit of weight was the penny, which was determined by weighing thirty-two wheat grains. From this unit was derived the ounce, the pound, the gallon and the London bushel of eight gallons. In 1495 Henry VII of England had constructed standards for the Winchester corn gallon and standard corn bushel, the latter containing 2150.5 cubic inches. In the time of Queen Anne, about 1700, the Winchester measure was commonly called water measure." /3

State Weight-Per-Bushel Laws

The State Legislatures attempted to maintain the relation between volume and weight by enacting laws establishing bushel weights. The wide variations in the weights adopted indicate a lack of any definite or consistent method of arriving at such weights. In some instances the weights adopted apparently represent the struck bushel weight of the commodity, such as peas or beans, when hulled; others apparently represent the weight of the commodity in its natural unthreshed state. In other instances, the weights were established on the basis of a heaped bushel, with no standard definition of "heaped." Four States - California, Illinois, Montana and New Hampshire - have attempted by law or regulation to define "heaped measure" as follows: "Commodities... shall be heaped in the form of a cone, the outside of the measure to be the limit of the base of the cone, and the cone to be as high as the article will admit." Wisconsin law provides that the heap shall be "as high as may be without special effort or design." Connecticut law is somewhat more specific, namely, "that a bushel heaped measure shall be 2564 cubic inches." New Hampshire law limits sale by heaped measure to "large" commodities.

Bushel weights were apparently also determined in some cases by certain local commercial practices which might have no close relation to volume. Whatever methods were used in arriving at these weights, the results were confusing and in some instances absurd. The weight of a bushel of pears, for example, has been variously fixed at from 36 to 58 pounds. Eight different bushel weights have been fixed for turnips, ranging from 42 to 60 pounds. Eighteen States do not agree on the weight of a bushel of green peas, the range being from 26 to 56 pounds - a difference of 30 pounds. Through the entire list of commodities similar discrepancies are found in the bushel weights established. It would be considered highly impractical to say that a yard shall be 35 inches in New York and 36 inches in Michigan. Yet it is no more impractical that to say that a bushel of green peas shall weigh 28 pounds in Maine and 56 pounds in Missouri.

Massachusetts was the first State to recognize the existing confusion in bushel weights and to take action to remedy the situation. In 1921 the State Legislature appointed a Commission to investigate "the expediency of revising the schedule of bushel weights prescribed for fruits, vegetables and other commodities...and to make such recommendations...for legislation that would tend to establish a more satisfactory basis for the retail sale of said commodities." Hundreds of test weighings were made, and it was found that only in rare instances, such as wheat, flaxseed, oats and peas, did the established weights reflect the actual weight or were uniform throughout the country. In its report the Commission said "Our preliminary investigations... demonstrated beyond doubt that the entire fabric of bushel weights had been reared upon a most unstable foundation, with resultant confusion at various points along the line of distribution from producer to consumer..."

/3 From a paper presented before the National Conference of Weights & Measures, Washington, D.C. in 1923 by Mr. I.L. Miller, Comm. of Weights & Measures of Indiana. Note: In England the Winchester bushel was superseded in 1824 by the Imperial bushel of 2218.19 cubic inches.

There are a number of reasons why bushel weights for fruits and vegetables should be abolished. First, the system as it exists is unscientific. Instead of simplification, complexity has resulted. Second, the system is cumbersome, unwieldy and difficult to enforce. It is impracticable, if not impossible to keep informed on all the weights adopted for various commodities. Third, producers, dealers and consumers have found it more expedient to buy and sell dry commodities by avoirdupois weight or numerical count, or in the standard, unbroken container. Fourth, uniformity in bushel weights is unattainable because it is impractical to define a unit of volume, such as a bushel of fruits and vegetables, in terms of weight as the weight of such products will vary with the variety, size, condition, and the manner in which the package is filled, that is, slack or tight, level or heaped.

The following final recommendation from the report of the Massachusetts Commission is interesting in this connection: "The fallacy of attempting to remedy the conditions by any changes in the established bushel weights is apparent, as any weights adopted must necessarily be arbitrary and can not reasonably be expected to represent the actual weight of a bushel of any commodity at the time of sale. Experience teaches that a standard unit of measure must be definite and constant, having a fixed and uniform value at all times and under all conditions and circumstances. The avoirdupois pound meets with all these requirements and there appears to be a substantial unanimity of opinion on the part of all concerned in favor of requiring all retail sales of fruits, vegetables and grains to be made on the basis of avoirdupois weight, exception being made in regard to certain fruits or vegetables which have been carefully graded as to size, in which case the sale may be made upon the basis of numerical count, and provided also, that retail sales may be made in any original unbroken standard container in which the goods are received by the retailer."

The following ten States and the District of Columbia now have laws providing for the sale of fresh fruits and vegetables by avoirdupois weight, numerical count or standard container: Alabama, District of Columbia, Illinois, Indiana, Kansas, Massachusetts, Montana, New Jersey, New York, Oregon and Pennsylvania.

Because requests are continually received for the "standard" or "legal" weight of fresh fruits and vegetables, there is included in this publication for the benefit of those interested a schedule (Appen. I) of approximate or average weights of such commodities and other conversion factors used by statisticians and others in the U.S. Department of Agriculture.

Method of Sale

At least twenty-nine States and the District of Columbia have laws or regulations which subscribe to the now generally approved method of selling fresh fruits and vegetables - by net weight or numerical count, except when in the original standard container. Some State laws also recognize the common practice of selling certain vegetables by the bunch.

There is little uniformity in the laws or regulations of the remaining States, although there is reason to believe that the practice of selling fresh fruits and vegetables by the approved method is much more common than is indicated by these State laws. This is possible because most of these laws appear to be permissive and apply only where there is no special agreement, contract or arrangement to the contrary. Only in three instances, in the laws of North Carolina, North Dakota and Wyoming, does it seem to be specifically required that contracts or agreements shall be construed according to the laws or regulations established. North Carolina law requires that when any commodity is sold by weight it must be by net weight only, and that when sold by the bushel sale must be by the established bushel weights, thereby indirectly eliminating

sale by dry measure. The Wyoming law is substantially the same. The North Dakota law provides that in contracts for the sale of the commodities for which bushel weights have been fixed the term "bushel" shall mean the number of pounds specified. Provision is also made for sale by the volume bushel (2150.42 cubic inches) of commodities sold by dry measure.

Four other States - Connecticut, Georgia, Missouri and Arizona - have established the standard volume bushel, the first three in addition to their weight bushels. The Missouri law, however, appears to apply only to apples when sold by volume. Connecticut law also defines a heaped bushel - as 2564 cubic inches. Florida recognizes sale by weight by providing that it shall be unlawful to sell commodities for which bushel weights are prescribed except by the pound.

The Rhode Island law provides that when sold by measure, nuts, shelled beans and berries shall be sold by dry measure. Bushel weights are also established for certain fresh fruits and vegetables, and provision is also made for the sale of certain vegetables at retail by weight rather than by dry measure. The New Hampshire law is substantially the same as far as sale by dry measure is concerned, except that its application is a little broader, applying to "fruits, nuts and vegetables," and it defines dry measure as "U.S. Standard."

The Federal Food, Drug and Cosmetic Act contemplates the sale of commodities by weight, measure or numerical count by requiring the marking of packages of food in that manner. It would greatly simplify the marketing and distribution of fresh fruits and vegetables if the rest of the States would adopt laws or regulations providing for sale on these bases.

Container Legislation

The introduction of refrigerator cars and artificial ice during the latter part of the 19th century caused a revolution in the fresh fruit and vegetable industry, resulting in the shifting of producing areas, increases in the acreage of such crops, and tremendous expansion from what had been largely a local industry to one national in scope. The equivalent of more than a million carloads of fresh fruits and vegetables is now shipped annually in this country.

Prior to 1913 little attention had been given to the standardization of fresh fruits and vegetables or the containers in which they were packed. With the phenomenal growth of the industry, and with no standards to serve as a basis of sale, for settling disputes, or for evaluating the products shipped, conditions became chaotic. Federal and State Governments began to take an interest in these subjects, but legislative action on a wide scale was not apparent until shortly before and during the period of World War I. Beginning about 1913, State legislatures became increasingly active in enacting laws pertaining to the standardization of farm products and the United States Department of Agriculture began investigations relating to the formulation of United States grades.

In the same year the first Federal law relating to containers for farm products - the Standard Barrel Act - became effective, having been passed by Congress in 1912. This law provided a standard barrel of 7,056 cubic inches for apples and prescribed the dimensions. It also provided standard grades for apples when packed in barrels. These grades were never used to any extent and have since been superseded by grades promulgated by the U.S. Department of Agriculture. This Act was not particularly satisfactory because it failed to charge any particular department or office with its enforcement and made no provision for reasonable variations or tolerances from the established capacity or dimensions.

In 1915 a second Barrel Act was approved, becoming effective the following year. This Act established for fruits and vegetables and other dry commodities other than cranberries, the same barrel established for apples by the Act of 1912, but provided that any barrel of different form having a capacity of 7,056 cubic inches was a standard barrel. It also established a standard barrel for cranberries, prescribing the dimensions, and sub-divisions of both barrels designated as 1/3, 1/2 and 3/4 barrels. The capacity of the Cranberry Barrel was prescribed by the regulations under the Act as 5,826 cubic inches. To be legal for fruits and vegetables, and cranberries, the barrels, respectively, must conform within prescribed tolerances to the dimensions or capacities fixed by the law.

At the present time 49% of the States have laws standardizing barrels for these commodities, although in five States - Delaware, Maine, Maryland, Missouri and Ohio, those established differ from the Federal law either as to dimensions or capacity or both.

In 1916 Congress passed another law prescribing the dimensions of three standard sizes (2, 4 and 12 quarts) of Climax or grape baskets, and providing "that the standard basket or other container for small fruits, berries, and vegetables shall be of the following capacities, namely, dry one-half pint, dry pint, dry quart, or multiples of the dry quart." This law was amended in 1934 to include a one-pound Climax basket for mushrooms.

Twelve years later, in 1928, another Federal law was enacted establishing standard sizes of hampers, round stave baskets, including the "straight side" or "tub" types, and splint or market baskets. This law is unique in that it requires manufacturers to have the specifications of such containers approved. To be approved specifications must produce a container of standard size which is not deceptive in appearance.

Deceptive Containers

Two States - California and Montana - have laws defining a deceptive container as follows: "no container...shall have a false bottom, false side walls, false lid or covering, or be otherwise so constructed or filled, wholly or partially, as to facilitate the perpetration of deception or fraud. New York, Tennessee and Texas have misbranding laws similar to the Federal law contained in the Food, Drug and Cosmetic Act, which seeks to prevent the sale of deceptive containers by providing that a food is misbranded if its container is so made, formed or filled as to be misleading. Oregon law also prohibits the sale of deceptive packages of horticultural products.

Application of Federal Container Laws

The Standard Barrel law and the Standard Container Act of 1928 were based on the weights and measures clause of the Constitution and therefore apply in intra-state as well as in interstate transactions. The Standard Container Act of 1916, however, is an interstate commerce law and therefore applies only to transactions in interstate commerce. These and other inconsistencies should be corrected in any future revision of the Federal Container laws.

State Standards: Baskets and Hampers

At present 31 of the States and the District of Columbia have established standards for one or more baskets, mostly of the types first standardized by Federal law, namely, berry boxes, till baskets and Climax baskets. Of these States, only two - Florida and Louisiana - have no standards for berry boxes. Fifteen States have adopted standards for one or more till baskets in 1, 2, 3 and 4 quart sizes, and 13 have established one or more standard sizes of Climax or

grape baskets of 2, 4 and 12 quarts capacity. In the field of the larger containers, fifteen States have established one or more standard sizes of round stave baskets and hampers, but only three, Alabama, Indiana and Pennsylvania, have established standard sizes for splint or market baskets. Seventeen States have established no standards for baskets or hampers. (See Table 1).

State Standards: Cartons, Crates, Boxes, Sacks, Drums, etc.

It has been estimated that normally approximately 90 per cent of the fresh fruits and vegetables shipped are packed in some kind of container, only about 10 per cent moving in bulk. Of this 90 per cent 4 per cent is in barrels, 17 per cent in baskets, 20 per cent in sacks and 49 per cent in crates, boxes and cartons. Containers for fruits and vegetables regulated by Federal law comprise a minor portion of the containers used for fresh fruits and vegetables. For the classes of containers in which the largest proportion of these commodities is shipped---crates, boxes, cartons and sacks---no Federal standards have been established.

In the absence of national standards for these types of containers a number of the States have established standards. Latest information indicates that for crates and boxes 29 States have established 121 such standards (Table III). Most of these State standards have been established in the far West - California, Oregon, Washington and Idaho - where these types predominate over all other types of containers. There is little uniformity in those established as they are largely determined by local preference. In many cases these State standards are obsolete and not representative of the containers actually used. For example, while the lettuce crate officially adopted as standard in one State measures 13 x 18 x 21-5/8 inches, inside, the standard lettuce crate in current use measures 14 x 17-1/2 x 22 inches, inside. This is only one example of a more or less generally prevailing condition. Legislation can not, of course, be expected to keep abreast of developments in the container field, but the fact remains that there are many obsolete laws on the statute books, which do not reflect current conditions in the marketing of fresh fruits and vegetables as they exist in the States today.

Six States - North Dakota, Oklahoma, South Carolina, Tennessee, Vermont and Wyoming have established no standard containers for fresh fruits and vegetables, although under South Carolina's 1939 Code of Laws, U.S. standards are accepted.

Packing Requirements

In addition to establishing standard containers for fruits and vegetables, a number of the States in connection with their grading laws have certain packing requirements to insure that the face of the package is representative of the contents.

Railroad Tariff Specifications

The railroads of the country also have a genuine interest in the simplification of containers for perishable products from the standpoint of reducing damage claims which they are constantly seeking to reduce through the development of minimum strength specifications for containers, and improved loading rules. Detailed specifications of the containers shipped by rail are set forth in four regional tariffs issued by the Freight Container Bureau of the Association of American Railroads. These tariffs furnish the most complete catalogue of containers compiled by any agency but unfortunately they do not include those used exclusively for products moving other than by rail, or in local markets. See "New Developments in the Simplification of Containers", page 7.

Manufacturers' Tariff

To facilitate and simplify the placing and filling of orders for box shooks, the Pacific Division of the National Association of Wooden Box Manufacturers maintains a Manufacturers' Tariff of detailed shook and bundling specifications relating to containers used chiefly in the far West.

Centralization of Effort Needed

The United States Department of Agriculture has for approximately a quarter of a century administered the Federal standard container laws pertaining to baskets for fruits and vegetables, in harmony with the trade and with State authorities in this field.

While State Governments and independent agencies have long striven to bring about some rational and practical regulation of the crate and box situation the net result has been confusion, as reflected in the multiplicity of such containers in use, and the lack of agreement as to sizes, shapes and designations. This seems to point to the necessity for a centralized authority to coordinate the efforts of these agencies.

Proposed Federal Container Legislation

Bills to accomplish this purpose by consolidating existing Federal container laws and extending the principle of standardization to other types not now covered, were introduced in Congress in 1934 and 1935 (73rd Congress, S-3270; 74th Congress, S-1460 and HR 8764), and while reported favorably by the Senate Committee on Agriculture and Forestry in 1935, failed of passage apparently because of a misconception on the part of certain interests as to the true purpose of the legislation. A similar bill was introduced in the House in 1939 (76th Congress, HR 5530), by Congressman Somers of New York, but no action was taken on it. This bill was written in the light of the public reaction to the earlier bills and reflected the constructive criticism and suggestions of the affected industries, as well as further study by the Department of Agriculture during the intervening four years. This revised version attempted to clarify the purpose and to outline the procedure to be followed in the standardization of cartons; crates, boxes and sacks, a major portion of which are used for products packed and sold by net weight or numerical count. It is generally recognized that it is impracticable to standardize this class of containers on the basis of volume; the only approach considered feasible is through conference, cooperation and consensus in which in collaboration with the affected industries, the Government becomes a clearing house of ideas, as well as an agency for the enforcement of standards established in that manner.

The Somers bill also sought to clarify the relationship between State laws or city ordinances relating to the sale of fruits and vegetables, and Federal laws establishing standards for containers for such products, and to reserve to the States certain authority to regulate sales of fruits and vegetables. The purposes in this connection were (1) to prohibit the use of standard containers as measures in localities which prohibit the sale of fruits and vegetables by measure; (2) to establish certain standard containers as legal units of sale when properly filled, regardless of the weight of the contents, and (3) except in the above instances, to reserve to the States the authority to require fruits and vegetables to be sold by weight or count.

New Developments in the Simplification of Containers

The demands of World War II resulted in serious shortages in the supplies of critical materials used in the manufacture of wooden containers of all kinds, needed for defense and for civilian use at home and abroad. This served to bring about a movement on several fronts for the simplification and standardization of fresh fruit and vegetable containers, plans for their salvage and re-use, where possible, as well as considerations as to substitute containers. The fresh fruit and vegetable industry voluntarily took the initiative in reducing the number of containers to be used for their products, and the Freight Container Bureau promptly held hearings in various sections of the country, as a result of which the number of cartons, crates and boxes authorized for fruits and vegetables in its tariffs was reduced from approximately 414 to 178. This number does not include containers moving exclusively by motortruck or used exclusively on local markets, which are not subject to railroad tariffs.

New Developments in the Simplification of Containers (Cont'd)

This reduction, in the opinion of the Department of Agriculture and War Agencies, did not go far enough in the direction of conserving vital materials, man power, and transportation, or to insure an adequate supply of containers to meet future needs. Accordingly, a committee representing the various Government agencies developed a drastically reduced list of containers considered adequate and necessary for the distribution of essential fresh fruits and vegetables. This schedule was the basis for War Production Board Order L-232 issued March 1, 1943, which restricted the number of wooden containers for fresh fruits and vegetables to 64 crates and boxes and only the more important sizes and types of baskets and hampers.

It is hoped that any constructive simplification and standardization of fresh fruit and vegetable containers obtained under pressure of war conditions will be permanently retained as an essential aid to the efficient distribution of these products.

Marking Requirements

The U.S. Food, Drug and Cosmetic Act, which is effective only in interstate commerce, requires that packages be marked to show the quantity in terms of weight, measure or numerical count. The name and address of the manufacturer, packer or distributor must also be shown, and the container itself must be so made, formed or filled as to be not misleading.

The Perishable Agricultural Commodities Act also makes it unlawful for commission merchants, dealers or brokers, to misrepresent in any way any perishable agricultural commodities received, shipped, sold or offered for sale in interstate or foreign commerce.

Thirty-nine States have laws of one kind or another relating to the marking of containers of fresh fruits and vegetables, approximately half of which are substantially the same as the Federal marking requirements. Many of the States have marking requirements which apply to specific products, such as apples, potatoes or onions.

Nevada law, for example, requires apples, apricots, peaches and tomatoes to be marked as to minimum size, numerical count or description of pack. Iowa's marking requirements, on the other hand, appear to apply only to fruits and vegetables in Climax baskets, which must be marked as to net weight. Colorado law seems to require only potatoes in sacks to be marked and these only as to grade. Arizona law requires potatoes, or onions in bags, sacks or other containers to be marked in pounds and ounces or in fractions of the avoirdupois pound. In Florida, beans, potatoes and sweet potatoes in sacks, bags, or barrels, in the original packages, must be marked as to weight. In Washington certain mandatory marking is required for specified commodities. These are some of the varying State requirements for the marking of containers of fresh fruits and vegetables.

To avoid confusion in the marketing and distribution of these products, marking requirements should be uniform throughout the country, and the example of those States which have adopted the Federal marking requirements might well be followed by the remainder.

Re-use of Containers

While there are no Federal laws relating specifically to the re-use of containers for fresh fruits and vegetables, the Federal Government has certain jurisdiction in this field under the provisions of the Food, Drug and Cosmetic Act administered by the U.S. Food and Drug Administration. For example, if

a used container bears previous markings not applicable to the present contents, or if it is in an insanitary condition and its use constitutes a menace to health, it can be proceeded against under the provisions of this Act.

Slightly more than one-fourth of the States have laws or regulations relating specifically to the re-use of containers for fresh fruits and vegetables. The majority of these permit re-use of the containers provided previous markings are removed. Oregon provides, in addition, that the used containers must be clean.

Three States (Indiana, New York and Ohio) do not require removal of previous markings, but do provide that in such a case the containers must be marked "Not original Contents". It is understood that Florida's prohibition against re-use of citrus containers has been temporarily waived during the emergency. Idaho provides that cloth or fibre sacks in which potatoes not exempt under State law are packed for shipment shall be new or re-cleaned, bright, undamaged sacks. Fruits and vegetables sold in Arizona must be in new or clean containers, and those shipped into the State must, in addition, be accompanied by an official inspection certificate.

- Conclusion -

The action taken by the several States in regard to these subjects is noted in the following pages indicating the diversity which has contributed much to the confusion attending the marketing and distribution of fresh fruits and vegetables.

This situation should be corrected to a great extent by the recent order of the War Production Board designed to provide as adequate a supply of containers for fresh fruits and vegetables as the limited supply of material and shortage of labor will permit. War Production Board Order L-232, issued on March 1, 1943, limits the sizes and types of containers for these products to the most essential ones currently used. For full information as to the containers now permitted, write for a copy of the above Order to Containers Division, War Production Board, Washington, D.C.

SUMMARY OF FEDERAL AND STATE LAWS RELATING TO CONTAINERS FOR FRESH FRUITS AND
VEGETABLES, MARKING REQUIREMENTS AND METHODS OF SALE

UNITED STATES

Containers:

U. S. Standard Barrel Act of 1915 (38 Stat. p. 1186)

A. Fruit and Vegetable Barrel:	Capacity: 7,056 cubic inches
Length of staves	28-1/2 inches
Diameter of heads	17-1/8 "
Distance between heads	26 "
Circumference of bulge	64 " (outside)
Thickness of staves	4/10 " maximum

Act provides that any barrel of a different form having a capacity of 7,056 cubic inches shall be a standard barrel.

B. Cranberry Barrel:	Capacity: 5,826 cubic inches
Length of staves	28-1/2 inches
Diameter of heads	16-1/4 "
Distance between heads	25-1/4 "
Circumference of bulge	58-1/2 "
Thickness of staves	4/10 " maximum

- C. Provides for following sub-divisions of these barrels: 1/3, 1/2 and 3/4, for which capacities and dimensions are prescribed in the regulations.
- D. Tolerances for all sizes provided in the regulations.
- E. Act forbids sale, offering, or exposing for sale of non-standard barrels containing fruits, vegetables or other dry commodities, and is effective within a State as well as in interstate commerce, superseding any State laws or city ordinances in conflict with it.
- F. Enforced by Bureau of Standards, Department of Commerce, and where re-enacted by States, by local sealers of weights and measures.

Standard Container Act of 1916 (39 Stat. p. 673), as amended 1934.

Climax baskets: 1 lb., 2, 4 and 12 quarts, dry measure. Dimensions prescribed.
Berry boxes: 1/2 pint, 1 pint and 1 quart, dry measure.
Till baskets: In multiples of the dry one quart. Common sizes: 1 qt., 2 qt., 3 qt. and 4 qt.

- A. Forbids manufacture for shipment, sale for shipment, or shipment of non-standard baskets in interstate commerce.
- B. Enforced by Food Distribution Administration, U. S. Department of Agriculture, Washington, D.C.

Standard Container Act of 1928 (45 Stat. p. 685):

Hampers and round stave (including "Straight side" or "tub") baskets:
1/8, 1/4, 1/2, 5/8, 3/4, 1, 1-1/4, 1-1/2 and 2 bushels.
Splint (market) baskets: 4, 8, 12, 16, 24 and 32 quarts.

- A. Under Sec. 4 Act requires manufacturers to have the dimension specifications of such containers approved, approval being contingent upon the containers being of proper capacity and not deceptive in appearance.
- B. Forbids manufacture, sale and shipment of baskets not complying with its provisions. Provides for seizure of non-standard baskets and hampers.
- C. Makes inoperative State weight-per-bushel laws in so far as they apply to fruits and vegetables packed in baskets which comply with the Act.
- D. Differs from Standard Container Act of 1916 in that it is effective in intra as well as interstate commerce.
- E. In connection with approval of specifications under Sec. 4, regulations under Act provide for a system of marking baskets, including factory identification number, the letters "U. S." and the capacity.
- F. Enforced by Food Distribution Administration, U.S. Department of Agriculture, Washington, D.C.

Note: No Federal standards have been established for crates, boxes, cartons, bags or drums.

UNITED STATES, Cont'd.

Marking Requirements:

Federal Food, Drug and Cosmetic Act, as amended 1938:

The Federal Food, Drug and Cosmetic Act, as amended in 1938, provides that, in interstate commerce, a food is misbranded:

- Sec. 403 (a) If its labeling is false or misleading in any particular.
(d) If its container is so made, formed or filled as to be misleading.
(e) If in package form it does not bear a label containing:
(1) The name and place of business of the manufacturer, packer, or distributor.
(2) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. (Provision made in regulations for reasonable variations and exemptions as to small packages).

Sec. 2, Par. 5 of the Perishable Agricultural Commodities Act as amended 1940, provides that it shall be unlawful "for any commission merchant, dealer, or broker, for a fraudulent purpose, to misrepresent by word, act, mark, stencil, label, statement, or deed, the character, kind, grade, quality, quantity, size, pack, weight, condition, degree of maturity, or State or country of origin of any perishable agricultural commodity received, shipped, sold or offered to be sold in interstate or foreign commerce;"

Re-use of Containers:

There are no Federal laws directly relating to the re-use of containers for fresh fruits and vegetables, other than the marking requirements of the Federal Food, Drug and Cosmetic Act.

Bushel Weights:

The Federal Government has established no legal weights per bushel for fresh fruits and vegetables except in the case of apples, for which a weight of 50 pounds per bushel has been established for the purpose of estimating duties on importations.

Standard Bushel Formally Recognized: As a result of a Senate resolution in 1830 the Winchester bushel of 2150.42 cubic inches was adopted by the Treasury Department, and, nearly one hundred years later, was formally recognized by the U. S. Standard Container Act of 1928.

ALABAMA Chief, Division of Weights and Measures, State Department of Agriculture, Montgomery

Code of Alabama, 1940, Titles 1-6, Vol. I

Art. 25, Sec. 406 Containers: Gives State Board of Agriculture and Industries authority to establish standard containers for farm products.
" 36 " 615 Also authorizes Board to adopt Federal standard containers for agricultural products.
" " " 612 Marking Requirements: Any commodity in package form must be plainly marked in terms of weight, measure or numerical count. Reasonable tolerances to be established. Such marking not to apply to those commodities in package form for which the manner of sale is specifically regulated by other sections of this article. Package form defined as "a commodity in a package, carton, case, can, box, barrel, bottle, phial or other receptacle or in coverings or wrappings of any kind...which

ALABAMA (Cont'd.)

- may be marked or labeled, making one complete package. Does not include carrier containers holding smaller units.
- Art. 18, Sec. 309 Misbranding: Food is misbranded if in package form the name of the article, together with the quantity of the contents in terms of weight, measure or numerical count and name and address of manufacturer or distributor, are not plainly marked on the outside of the package; if it be not properly filled; or if the package or attached label bears any statement, design, etc. that is misleading in any particular.
- " 36 " 614 Method of Sale: Provides for the sale of fruits and vegetables at retail by weight or count, except when sold in the original standard container. Original standard container defined as "barrels, boxes, baskets, hampers and similar containers, the dimensions or capacity of which is established by the State Board of Agriculture, the contents of which have not been removed or repacked by the retailer, and which is plainly marked as to net contents in terms of weight, measure, or numerical count." This section shall not apply to the sale, by the bunch, of fresh beets, onions, turnips, carrots, and other similar vegetables customarily sold by the bunch.
- " " " 618 Whenever any commodity other than bale cotton is sold on a basis of weight, sale shall be by net weight, and all contracts concerning goods sold by weight shall be construed accordingly.
- " " " 604 Bushel and Barrel Weights: Legal weights per bushel or barrel established for 28 fresh fruits and vegetables: "When no special written contract or agreement shall be made to the contrary, the bushel or barrel of such commodities shall be the weight per bushel or barrel named herein." All such commodities to be bought or sold by actual weight unless otherwise agreed to in writing between the seller or buyer provided that any such commodities may be sold by numerical count or by the bunch.

ARIZONA Supervisor of Inspection, Phoenix

Laws of 1929 - H. B. 97

Sec. 24-a Containers:

	<u>Cantaloup Crates</u>				<u>Standard Pack</u>			
Jumbo	13 x 13	x 23-1/2	"	OSL (22-1/8 ISL)	27, 35 or 45			
Standard	12 x 12	x 23-1/2	"	"	27, 36 or 45			
Pony	11 x 11	x 23-1/2	"	"	45 or 54			
Jumbo Flat	5 x 14-1/2	x 23-1/2	"	"	8, 9, 10, 11 or 12			
Standard Flat	4 1/2 x 13	x 23-1/2	"	"	9, 12 or 15			
Cal. " "	4 1/2 x 13 1/2	x 23-1/2	"	"	9, 12 or 15			
Pony Flat	4 x 12	x 23-1/2	"	"	15 or 18			

Sec. 24-c

	<u>Honey Dew Crates</u>				
Jumbo	7 1/2 x 15-1/4	x 23-1/2	"	"	4, 5 or 6
Standard	6 3/8 x 16-1/4	x 23-1/2	"	"	8, 9 or 12
Pony	5 x 14-1/2	x 23-1/2	"	"	12 or 15

Sec. 25

	<u>Lettuce Crates*</u>				
Standard	13 x 17	x 21-1/8	"	ISM	
Half	9 x 13	x 23-1/2	"	"	

*as amended by regulation of Supervisor of Inspection 2/27/32

ARIZONA (Cont'd)

Laws of 1933 - H.B. 191

	<u>Orange & Grapefruit</u>		
Standard Box	11 $\frac{1}{2}$ x 11 $\frac{1}{2}$ x	24-5/8	
Half Box	5-3/4 x 11 $\frac{1}{2}$ x	24-5/8	
	<u>Lemon Boxes</u>		
Standard	10 x 13	x 25-5/8"	
Half	5 x 13	x 25-5/8"	
Junbo Standard	11-1/8 x 13-1/2	x 25-5/8"	
1/2 Junbo	5-9/16 x 13-1/2	x 25-5/8"	

Senate Bill 127, Ch. 74, Arizona Code of 1939, as amended 1941

Sec. 76.113 Method of Sale; Standard unit of volume: For measuring grain, fruit, coal, and vegetables, the unit shall be the Winchester bushel of 2150.42 cubic inches.

Bushel Weights: No legal weights per bushel for fresh fruits and vegetables.

Sec. 76.121 Marking: "Where...potatoes, onions...are sold in bags, sacks, or other containers, each such container shall be marked with the correct weight of contents in pounds and ounces, or in fractions of the pound, avoirdupois."

March 21, 1937 -- Amend. H. B. 97:

Sec. 20-a Re-use of containers: All fruits and vegetables shipped into Arizona must be in new or clean containers and must be accompanied by an official inspection certificate.

Act 1937, H. B. 102: All lots of fruits and vegetables packed for sale...or sold in Arizona must be packed in new or clean containers.

Laws of 1929, H. B. 97, Sec. 20 (relating to cantaloup, honey-dew and lettuce crates) and

Laws of 1933, H. B. 191, Sec. 17 (relating to citrus boxes)

....this provision shall be construed to prohibit the repeated use of any container of fruits or vegetables bearing any markings required by this Act, or any designations of brands, quality, or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced therein shall first be completely removed, erased, or obliterated.

ARKANSAS, Chief Inspector, State Plant Board, Little Rock

Digest of Statutes, 1937

Sec.12386 Containers: State Plant Board authorized to promulgate official standards for containers for farm products.

Sec. 14497 Bushel of apples - A box 9" deep, 12" wide, 20" long.

Sec. 14498 Bushel Weights: Legal weights per bushel established for 5 fresh fruits and vegetables.

CALIFORNIA, Director of Agriculture, Sacramento

Agricultural Code of California 1939, as amended 1941*

Sec. 795.8	Containers: Standard citrus field picking box: 3115 cubic inches. Cleats 1" maximum.		
Sec. 823	Standard wooden apple box (for wrapped apples)	10-1/2 x 11-1/2 x 18"	
	Half wooden apple box	" " "	5-1/4 x 11-1/2 x 18"
	Standard Fibreboard apple box	" " "	11-3/8 x 11-1/2 x 18"
	Half Fibreboard apple box	" " "	5-11/16 x 11-1/2 x 18"
(a)	Standard apple lug (for unwrapped apples)		7-1/2 x 13-1/2 x 21-1/4"
(b)	Standard apple lug	" " "	7-3/4 x 14 x 22-5/8"
Note:	Apples may be packed in closed containers other than those above if marked "irregular container", provided that under no conditions may wrapped and packed apples be in irregular containers unless the container is smaller than the one-half box.		
Sec. 828	The following standard containers for fruits, nuts and vegetables are permissive <u>except as otherwise provided by law:</u>		
			<u>Used for:</u>
*(1)	Standard basket, appr. 8" sq. at top (3 qts. appr.) 6-1/2" sq. at bottom 4" deep		peaches, apricots, grapes, plums and prunes
*(1A)	Standard basket, appr. 5-3/4" x 11-1/4" at top (3 qts. appr.) 5-3/8 x 10-1/2" at bottom 3-5/16" deep		peaches, pears, plums, prunes
*(1B)	Standard basket, appr. 5-1/4" sq. at top (1-1/4 qts. appr.) 4-1/4" sq. at bottom 3-3/4" deep		grapes
*(1C)	Standard basket, appr. 8" sq. at top (4 qts. appr.) 6-1/2" sq. at bottom 5" deep		grapes
*(2)	Standard 4 qt. Climax: Bottom piece: 4-1/2 x 12 x 3/8" Height 4-11/16 Top Outside 6-1/4 x 14"		grapes
** (3)	Standard berry basket (a) 1 pint 33.6 cu.in. (b) 1/2 " 16.8 cu.in.		strawberries, raspberries, blackberries, dewberries, loganberries
Sec. 828.15			
*(4)	Standard 12-basket crate 2-7/8 x 13-1/2 x 18"		cherries
*(5)	Standard Crate 4 x 16 x 16-1/8"		grapes, peaches, pears, plums, prunes, apricots
*(6)	Standard Crate 4-1/4 x 16 x 16-1/8"		grapes, peaches, apricots, pears, persimmons, plums, prunes
*(7)	Standard Crate 4-1/2 x 16 x 16-1/8"		Same
*(8)	Standard Crate 4-3/4 x 16 x 16-1/8"		Same
*(9)	Standard Crate 5 x 16 x 16-1/8"		Apricots, grapes, peaches, pears, plums, prunes
*(9A)	Standard Crate 5-3/4 x 16 x 16-1/8"		grapes, peaches
*(9B)	Special Crate 4-3/4 x 14-1/2 x 14-1/2"		peaches

- Continued -

* See Special Notes, p. 54

** Strawberries packed in pint size only.

CALIFORNIA. (Cont'd)

Used for:

Sec. 828.2

(10)	Standard Cherry Box ("Eastern Flat")	2-1/4 x 9	x 18-1/8"	cherries
(11)	Standard cherry lug	3-3/4 x 11-1/2	x 16-1/8"	"
(12)	Standard cherry lug ("Tozzi Lug")	2-7/8 x 11	x 16-1/8"	"
(12A)	Standard cherry lug ("Campbell lug")	3-3/4 x 11-1/2	x 14-1/8"	cherries, plums, prunes

Sec. 828.25

*(12B)	California peach box	4, 4-1/4, 4-1/2, 4-3/4 or 5	x 11-1/2 x 16-1/8"	peaches, plums prunes
(13)	Standard Fruit Box ("Persimmon Box")	3	x 11-1/2 x 18"	persimmons
*(14)	Standard fruit box ("3-bas. plum crate")	3-1/2 x 11-1/2	x 18"	Persimmons, plums, prunes
*(15)	Standard fruit box ("15-18# Peach Box") ("Nectarine Cell Box")	4	x 11-1/2 x 18"	peaches, persimmons, plums, prunes
*(16)	Standard fruit box	4-1/4 x 11-1/2	x 18"	peaches, pears, persimmons, plums, prunes
*(17)	Standard fruit box	4-1/2 x 11-1/2	x 18"	Same as (16)
*(18)	Standard fruit box	4-3/4 x 11-1/2	x 18"	peaches, pears, persimmons, plums, prunes
*(18A)	Standard fruit box	5	x 11-1/2 x 18"	peaches, plums, prunes

Sec. 828.3

(19)	Special pear box, or "1/2 pear box"	5-1/2 x 11-1/2	x 18"	pears
(20)	Standard pear box	8-1/2 x 11-1/2	x 18"	pears

Sec. 828.35

*(21)	Standard artichoke box	9-3/4 x 11	x 20-5/8"	artichokes (35# net, minimum)
(22)	Half artichoke box	4-7/8 x 11	x 20-5/8"	artichokes

Sec. 828.40

(22A)	Special lug box ("Suitcase lug")	3-5/8 x 11	x 14-5/8"	apricots
(22B)	Special lug box ("Brentwood" or "Oliver" lug)	4-1/4 x 12-1/2	x 16-1/8"	apricots, plums, prunes
(22C)	Standard lug box ("Calex lug")	3-3/4 x 13-1/2	x 16-1/8"	cherries
*(23)	Standard lug box ("Calif. lug")	4	x 13-1/2 x 16-1/8"	plums, prunes
(24)	Standard lug box ("Winters lug")	4-1/4 x 13-1/2	x 16-1/8"	apricots, plums, prunes
(25)	Standard lug box ("2 grape lug")	4-3/4 x 13-1/2	x 16-1/8"	cherries, grapes, plums, prunes (Std. for plums, prunes only with 3/8" or 11/16" cleat unless marked "ir- regular").
(26)	Standard lug box	5-1/16 x 13-1/2	x 16-1/8"	peaches, pears, plums, prunes
(27)	Standard lug box ("Los Angeles Lug") ("Earl lug" with 11/16" cleat)	5-3/4 x 13-1/2	x 16-1/8"	apricots, cherries, plums, prunes, peaches, pears, persimmons, swt. po- tatoes, tomatoes
(27A)	Bay City Lug	7-3/4 x 13-1/2	x 16-1/8"	peaches

*See Special Notes, pp. 54 & 55

CALIFORNIA. (Cont'd)

Used for:

Sec. 828.45

* (28)	Special sawdust pack chest	7-3/4 x 14-15/16	x 18-5/8"	grapes
* (29)	Special sawdust pack lug	7-3/4 x 15-1/2	x 16-1/8"	"
* (29A)	Special lug box	6-1/2 x 13-1/2	x 20-5/8"	pears
* (30)	Special lug box	8-1/2 x 14	x 22-3/4	
* (30A)	Special lug box	4-7/8 x 15	x 22-1/8"	grapes

Sec. 828.5*

(31)	Omitted			
* (32)	Standard persimmon box	3-3/4 x 11-1/2	x 24-5/3"	persimmons
(33)	Omitted			
* (34)	Standard pomegranate box	6-1/2 x 11-1/2	x 24-5/3"	pomegranates
(35)	Omitted			
(36)	Omitted			
(37)	Omitted			

Sec. 828.53

* (37A)	Standard grape lug	3-3/4 x 13-1/2	x 16-1/8"	grapes
* (37B)	" " "	4-3/8	"	"
* (37C)	" " "	4-3/4	"	"
* (37D)	" " "	5-1/8	"	"
* (37E)	" " "	5-1/4	"	"
* (37F)	" " "	5-1/2	"	"
* (37G)	" " "	5-3/4	"	"
* (38H)	" " "	5-7/8 x 11-1/2	x 16-1/2	"
* (38I)	" " "	5-3/4 to 6-7/16	at top 14-1/2 to 14-7/8 at bot. 10-1/2 to 10-7/8	x 16-1/8 "
* (38J)	" " "	5-3/4 x 6-3/4	x 16-1/8"	grapes

Sec. 828.55

(39)	Standard cantaloup crate	12	x 12	x 22-1/8	Standard packs 27,36 or 45	Cantaloups
(40)	Pony " "	11	x 11	x 22-1/8"	45 or 54	"
(41)	Jumbo " "	13	x 13	x 22-1/8"	27,36 or 45	"
(42)	Standard " "	4	x 12	x 22-1/8"	9,12 or 15	"
(43)	Special " "	4-1/2	x 13-1/2	x 22-1/8"	9,12 or 15	"
(44)	Special " "	5	x 14-1/2	x 22-1/8"	8,9,11 or 12	"

Sec. 828.6

* (45)	Standard crate	13	x 18	x 21-5/8"	Min. 24-1/2 max.	carrots
* (45A)	Standard lettuce crate	13-3/4	x 17-1/2	x 21-5/8"	"	lettuce
* (45B)	" " "	13	x 17-1/2	x 21-5/8"	"	lettuce
* (45C)	Half lettuce crate 8 or	9-1/2	x 13	x 21-5/8"	"	lettuce
	(9" depth for carrots)					carrots

Sec. 828.65

* (46)	Standard cauliflower crate	8-1/2	x 18	x 21-5/8"	"	cauliflower
(47)	Stand. sweet potato crate	10-1/2	x 9-3/4	x 19-1/2"		Swt. potatoes
(48)	Special " "	12	x 12	x 16"		"
(48A)	Jumbo sweet potato crate	14	x 11-3/4	x 17-1/2		"

Sec. 828.75

* (49)	Standard grape drum: 14" deep, 15-1/2" wide, Ins.	2642 cu.in.	grapes
* (50)	Standard grape keg	2642 cu.in.	"

Sec. 828.73

(50A)	Standard bushel basket	2150.42 cu.in.	Swt. pot.
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Sec. 828.8

(51)	Standard pyramid asparagus crate		asparagus
		11 x 9 to 10 11	x 18"
(52)	Standard pyramid aspar. crate		"
		10 x 9 to 10 11-1/2	x 18"

- Continued -

*See Special Notes, pp. 54 & 55

CALIFORNIA, (Cont'd)

Used for:

Sec. 828.83

- | | |
|---|--|
| <p>*(53) Standard 2-compartment orange or grapefruit box
Each compartment to be: 11-1/2 x 11-1/2 x 12"</p> <p>*(54) Standard 1-compartment orange or grapefruit box
Each compartment to be: 11-1/2 x 11-1/2 x 24"</p> <p>*(55) Standard 2-compartment half orange or grapefruit box
Each compartment to be: 5-3/4 x 11-1/2 x 12"</p> <p>*(56) Standard 2-compartment lemon box
Each compartment to be: 9-7/8 x 13 x 12-1/2"</p> <p>*(57) Standard 2-compartment half lemon box
Each compartment to be: 4-15/16 x 13 x 12-1/2"</p> | <p>oranges and
grapefruit</p> <p>" "</p> <p>" "</p> <p>lemons</p> <p>"</p> |
|---|--|

Business and Professions Code of California, Revised to 1941

Sec.12606 Marking Requirements: Whenever any commodities are sold in containers, the net quantity of the contents of the container shall be plainly and conspicuously marked, branded, or otherwise indicated on the side or top thereof or on a label or tag attached thereto.

Sec.12607 Provides that such marking or branding shall be expressed in terms of net weight, measure or numerical count. "No trade-mark, brand number, number or numerals in combination or otherwise, shall be used on the side, top or ends of the container which will facilitate deception or misrepresentation."

Sec.12611 The quantity of contents may be stated in terms of the minimum, but in such cases the designation shall approximate the actual quantity, and there shall be no tolerance below the stated minimum.

Agricultural Code of Calif. as amended 1941

Sec.828 When the fruit, nut or vegetable is packed in a standard container and in conformity to the standard pack established for such product, and then only, may the container be marked "Standard pack" or "Standard container and pack."

Sec.784.2 Misbranding: It is unlawful to mislabel any fruit, nut, or vegetable or have any false or misleading statement or designation of quality, grade, trade mark or trade name, on any wrapper or container, or on the label or lining of any container of such commodities, or on any placard used in connection with or having reference to any fresh or dried fruit, nut or vegetable or container, bulk lot, bulk load, load, arrangement, or display of such commodities.

Business and Professions Code of Calif.Rev. to 1941

Method of Sale: Bushel Weights: No legal weights per bushel for fresh fruits and vegetables.

Sec.12410 Measures of Capacity: The measures of capacity for...Indian corn in the ear, fruit, and roots of every kind, and for all other commodities commonly sold by heap-measure, are the half bushel and its multiples and subdivisions;...(Shape and dimensions prescribed)..

Sec.12411 Heap measure defined: All commodities sold by heap-measure shall be heaped in the form of a cone; the outside of the measure, by which the same are measured, to be the limit of the base of the cone, and such cone to be as high as the article will admit.

Sec.12604 Container defined as "any receptacle or carton into which a commodity is packed, or any wrappings with or into which any commodity is wrapped or put up for sale."

Sec.12605 Deceptive container: No container wherein commodities are packed shall have a false bottom, false side walls, false lid or covering, or be otherwise so constructed or filled, wholly or partially, as to facilitate the perpetration of deception or fraud.

- Continued -

*See Special Notes, p. 35

CALIFORNIA (Cont'd)

Agricultural Code of Calif.

Sec.784.1 Deceptive pack: It is unlawful to prepare, pack, place, deliver for shipment, load, ship, transport or sell a deceptive pack, bulk lot, bulk load, load, arrangement or display of fresh or dried fruits, nuts or vegetables.

Sec.784.3 False or Misleading Statements: It is unlawful to make any statement, representation or assertion orally, by public outcry or proclamation, or in writing, or by any other manner or means whatever concerning the quality, size, maturity, condition of, or any other matter relating to fruits, nuts or vegetables which is false, deceptive or misleading in any particular.

Business and Professions Code

Sec.12900 Products in burlap bags: Every person who purchases fruit, peas, or wool in burlap bags owned by the seller and deducts a tare on account of such bag, shall pay to the seller thereof at the time of delivery the salvage value of such bag after using. This Section shall not apply to farm products sold on the basis of gross weights if a specific agreement is made to that effect.

COLORADO Director, Division of Agriculture, Denver

Mills Annotated Statutes, 1930:

Containers:

Sec.7837-A Berry boxes: 1/2 pint, 1 pint, 1 quart, or multiples of the dry quart. (Or, otherwise, marked to show capacity).

Chapter 96 - Laws of 1931, Approved May 18, 1931: Authorizes Director of Markets to promulgate....standard packages.

Sec. 32 Cantaloup Crates:

Jumbo	13	x 13	x 23-1/2"	OSL (22-1/8" ISL)
Standard	12	x 12	x 23-1/2"	" "
Jumbo Flat	5	x 14-1/2	x 23-1/2"	" "
Stand. "	4-1/2x	13	x 23-1/2"	" "
Pony	4	x 12	x 23-1/2"	" "
Flat:				
Jumbo honey dew	7-1/2x	16-1/4	x 23-1/2"	" "
Stand. " "	6-1/2x	16-1/4	x 23-1/2"	" "
Pony " "	5	x 14-1/2	x 23-1/2"	" "

Potato Container Branding Law, SB 316 Approved March 28, 1941.

Sec. 97(b) Marking Requirements: Provides that all containers of potatoes of 25# or more net weight shall be plainly and conspicuously marked in block letters not less than 2 inches high with the grade of the contents according to Federal-State potato grades. In the case of potatoes falling below U.S. No. 2 grade the containers must be marked in block letters not less than six inches high with the designation "culls". Containers weighing less than 25# shall be similarly marked in letters not less than one inch high and culls in letters not less than 3 inches high.

Does not apply to direct retail sales of potatoes of 25# or less, except that the grade of such potatoes must be plainly shown on a placard in letters not less than 2 inches high.

Chap. 96 - Laws of 1931, Approved May 18, 1931

Sec. 15 Re-use of Containers: **** this provision shall be construed to prohibit the repeated use of any container or sub-container for fruits or vegetables bearing any markings required by this Act, or any designations of brands, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced shall first be completely removed, erased or obliterated.

Mills Annotated Statutes 1935, Chap. 175

Sec. 3 Method of Sale - Bushel Weights: Establishes legal weights per bushel for two fresh fruits and vegetables..."60 pounds of potatoes...57 pounds of onions...shall be the standard weight of a bushel."

CONNECTICUT Commissioner of Agriculture, or Commissioner of State Police, Hartford
General Stats. Revised to 1930

- Sec.2069 Containers: Standard Apple Barrel - U.S. Standard (No longer used for apples)
Standard bushel - 2150.42 cubic inches
- Sec.2060 Commissioner of Agriculture authorized to establish standard packages. Standards established by regulations:
Standard Produce Box 2150.42 cu.in. 7-1/16 x 17-1/2 x 17-1/2" ISM
Half " " 1075.21 " " 7-1/16 x 12-3/8 x 12-3/8" "
Half Bu. " " 1075.21 " " 7 x 11-7/8 x 13" "

General Laws, 1940

Baskets or boxes for berries and small fruits of a capacity of one dry quart or less shall be: 1 qt., 1 pt., or 1/2 pt., dry measure.
Additional Recommended Standards widely used for Connecticut products:

1/2 bu. hampers (and smaller sizes), and
1/2 bu. (tub) baskets

For:
Peaches, pears, plums,
parsnips
Various vegetables
Cherries, Brussels Sprouts
Strawberries

1 bu. baskets
32 Qt. crate of 32 or 24 - 1 qt. boxes
24 " " 24 " "
16 " " 16 " "

Blueberries, huckleberries,
blackberries.

24 qt. crates holding pint boxes

Red and black raspberries

Asparagus crate

Asparagus

Cauliflower crate

Cauliflower

12-qt. Climax and 30# Aug

Tomatoes

50# sack

Cabbage, onions

15# and 100# sacks

Potatoes

60 or 100-ear sacks

Corn

General Stats. revised to:

- 1939 Sec.897e Marking Requirements: State misbranding law same as Federal law.
Additional laws relating to marking of specific products as follows:
- 1933 Chap. 269, Reg. 3: Farm products classified as "culls" must be marked accordingly when sold or packed for sale. Cull potatoes defined.
- 1930 Sec.2069 Containers for apples other than the standard barrel or bushel must be marked in terms of capacity or count.
- 1931 Sec.2071 Closed packages of apples packed for sale must be marked with the minimum size, name of variety and name and address of packer.
- 1935 Sec.793c Containers of potatoes must be marked with an official grade or terms "unclassified" or "ungraded".
- 1930 Sec.2060 1/2 and 1 bu. Standard Prod. Boxes must be marked in letters not less than one inch high "Standard Box Farm Produce" and "Standard Half Box Farm Produce".

Genl. Stats. Rev. to 1940 Chap. 240

- Sec.1578C Method of Sale: Measures of Capacity - A bushel struck measure shall be 2150.42 cubic inches. A bushel heaped measure shall be 2564 cubic inches.
When sold by weight a barrel of potatoes shall be 150 pounds.

- Sec. 4725 Bushel weights - established for 26 fresh fruits and vegetables.

DELAWARE. State Chemist, Dover

Revised Code of Del. 1935

Par. 3437

Containers:

Sec. 19

Standard cup or basket for berries - full dry quart or full dry pint.
Standard hamper full bushel
Standard peach basket 1/2 bu.
Stand. summer apple basket 1 bushel
Stand. Basket for potatoes, tomatoes, turnips, onions, cabbage 5/8 bushel
Standard barrel 11 pecks (See U.S. Stand. Bbl. law & Special Notes, p. 55)

(Above units not otherwise defined)

In measuring all forms of fruit and produce dry measure shall be used.

"

Marking Requirements: Other containers than above, if used, to be marked, conspicuously, as to exact size.

Par. 586

Sec. 19

State Board of Agriculture authorized to adopt rules and regulations to require all growers of fruit to stamp or mark their baskets, boxes, packages, crates, parcels or other receptacles as to name or initials, or with some readily distinguishable device or mark.

Par. 601

Sec. 34

Marking provisions not applicable to apples not intended for sale or shipment.

Par. 597

Sec. 30

Par. 594

Sec. 27

Inhibits the sale of closed packages of apples from outside of the State unless marked in accordance with Sec. 27 above. Each closed package of apples shall be plainly marked in letters not less than 1/8" high on the outside thereof, with the name and address of owner, variety (or "Variety Unknown"), grade and minimum size. Numerical count may be substituted for minimum size.

Par. 595

Sec. 29

Closed Package as used in this Chap. (46) shall mean "any package which is constructed in such a manner as to require the removal of the cover or head for an inspection of its contents."

Par. 600

Sec. 33

Packing Requirements for apples: Closed packages of apples shall be packed so that the apples in the shown face shall be reasonably representative of the size and quality of the apples in the package, color excepted.

Bushel Weights: No legal weights per bushel for fresh fruits and vegetables.

DISTRICT OF COLUMBIA, Superintendent of Weights, Measures and Markets, Washington

Code of D. C. 1929, Title 28

Sec. 15

Containers:

Standard Barrel: U. S. Standard

Standard Cranberry Barrel: U. S. Standard

2, 4, 12 quart Climax baskets

6-basket crate & 4 qt. till baskets (Crate holds 6 baskets of 268.8 cu.in. each)

4-basket flat crate & 3 qt. till " (Crate holds 4 baskets of 201.6 cu.in. each)

1/2 pint, 1 pint, 1 quart berry boxes

Standard lug 6 x 10-1/2 x 17" ISM (1/2 Bu.)

" " 8 x 13 x 20-3/4" (1 Bu.)

1/4, 1/2, 1, 1-1/2 bu. hampers

1/2, 1, 1-1/2, 2 bushel round stave baskets

Standard Apple Box: 10-1/2 x 11-1/2 x 18" ISM (2173.5 cu.in.)

" Pear " 8-1/2 x 11-1/2 x 18" "

" Onion Crate 9-13/16 x 11-3/16 x 19-5/8" ISM

DISTRICT OF COLUMBIA, (Cont'd)

- Sec. 25 The Commissioners are authorized to prescribe for above standard containers the same specifications and tolerances that have been or may be established by the Federal Government.
- Sec. 16-1/2 Marking: All food in package form shall be plainly and conspicuously marked as to contents in terms of weight, measure or numerical count.
- Sec. 15 (1) Method of Sale: Fruits, vegetables, grain, and similar commodities shall not be sold except in standard containers herein described, or by weight, or by numerical count, except fresh fruits and vegetables customarily sold by the bunch may be sold in that manner. All kale, spinach and similar leafy vegetables shall be sold at retail by net weight. Containers of fruits and vegetables must be compactly filled at the time of sale.
- Sec. 8 When any commodity is sold by weight it shall be net weight. All commodities sold by the ton (except coal) shall be sold by the short ton of 2,000 pounds.
- Sec. 16 The use of the standard containers described in Sec. 15 as measures is prohibited.
Bushel Weights: No legal weights per bushel for fresh fruits and vegetables.

FLORIDA, Commissioner of Agriculture, Tallahassee

Chapter 19327 - Laws of 1939 -

Containers: Field boxes for oranges, grapefruit or tangerines: 13 x 12 x 31-1/2 inches, with middle partition 3/4". Cubical capacity each compartment 2400 cu.in. Height, including cleats, not to exceed 14-1/4". No field box exceeding 4900 cubic inches capacity may be used unless plainly marked on each end in letters one inch high "oversized".

Chap. 16859 - Laws of 1935

- Secs. 1-9 Field boxes, crates, receptacles for fruits and vegetables: Registration authorized.
- Sec. 10 Law not to apply when fruits and vegetables are offered for sale or shipment packed in standard containers designated by Bureau of Standards, U.S. Department of Agriculture.

Compiled laws, 1927

- Sec. 3784-5 Orange crates: 2-compartment with middle partition; each compartment 12 x 12 x 12. No other shall be manufactured or sold except half boxes. Shipment in barrels or other crates over standard size is permissible.
- Sec. 3787 Crate for tomatoes: 10 x 11 x 24" Outside
- Sec. 3788 Baskets for tomatoes 9-1/2 x 5 x 4-1/2" inside
Top hoop of basket 32-1/2" long
- Sec. 3789 No other crate shall be manufactured or sold.

Laws of Florida, Acts of 1941, Chap. 20449

- Sec. 10 Florida Citrus Commission authorized, among other things, to (1) establish standard containers for citrus fruit, (2) to prescribe rules and regulations or orders governing the marking of containers of citrus as to
- (a) name and address of grower or shipper
 - (b) grade, quality, variety, type or size,
 - (c) weight, content or quality, type, size, dimensions or shape of container
- (3) to regulate or prohibit the use of such containers as have been previously used for sale, transportation or shipment of citrus fruit. Provision made for use of second-hand containers for retail sales of citrus fruit within a 50-mile radius of production center.

FLORIDA (Cont'd)

Compiled Laws, 1927

Method of Sale: Bushel Weights, Marking:

Sec. 3781 Legal weights per bushel established for 9 fresh fruits and vegetables.

Sec. 7911 It shall be unlawful to sell...articles in Sec. 3781 except by the pound.

Sec. 3783 Beans, potatoes, sweet potatoes, etc., already put up in any sack, bag, or barrel...in original packages...shall be marked in letters one inch high. . the exact weight in pounds avoirdupois.

Reg. 17 of the Florida Citrus Commission - Aug. 4, 1937:

Re-use of Containers: Establishes for citrus, containers specified in I.C.C. No. 54, supplements thereto or successive issues thereof, and provides that "no closed container which has been previously used for the sale, transportation or shipment of citrus fruit... shall be used again for that purpose", except as specifically permitted by the Florida Citrus Commission. (It is understood that this prohibition against re-use has been temporarily waived during the emergency).

GEORGIA, Commissioner, State Department of Agriculture, Atlanta

Code of 1933, Sections 112-101, and Regulations under Weights & Measures Act:

Containers: Western Apple Box: 2173.5 cu. in.

Bushel established as: 2150.42 cu. in. (U. S. Standard)

Method of Sale: Bushel Weights established for 43 fresh fruits and vegetables.

Georgia Laws 1941, Act 327, appr. March 1941

Sec. 4 It shall be unlawful to sell, except for immediate consumption on the premises, commodities not liquid in any other manner than by measure of length, by weight, or by numerical count: Provided that nothing in this section shall.....prevent the sale of fruits, vegetables and other dry commodities in the standard barrel; or of berries and small fruits in standard boxes; or of vegetables or fruits usually sold by the head or bunch in this manner. Provided further, that nothing in this section shall be construed to apply to foodstuffs in original packages.

"Original package" defined as "a commodity in a package, carton, case, can, barrel, bottle, box, phial or other receptacle, or in coverings or wrappings of any kind, put up by the manufacturer, which may be labelled, branded or stenciled or otherwise marked...or be suitable for such marking...making one complete package of the commodity." Includes both wholesale and retail packages and must be plainly marked as to net content. Carrier cartons or boxes containing smaller units individually marked, exempt from such marking requirements.

Georgia Code 1933, Ch. 5-8

Sec.5-802 Marking Requirements: Every closed package of apples....shall bear conspicuously upon the outside thereof in plain words and figures, such markings as are prescribed by the Commissioner of Agriculture... Every crate or package of apples shipped from any point shall bear an adhesive stamp showing that they are classified under this Chap., which stamp shall be sold by the Commissioner of Agriculture for not more than one-half cent each.

IDAHO, Department of Agriculture, Boise

Idaho Code, 1932

Sec.69-213 Containers: Box or packet of apples - contains 2150.42 cu.in.

Sec.69-214 Ferry boxes: 1 dry qt., 1 dry pt., otherwise contents must be marked.

Sec.65-2501 Authorizes Department of Agriculture to establish and promulgate standards for open and closed receptacles for farm products.

Standard containers adopted as official for use in Idaho (Handbk. '33-'34):

Apple box 10-1/2 x 11-1/2 x 18-1/8" ISM (Also shook specs.)

Stand. prune suitcase 3-1/4 x 11-1/2 x 18" " " " "

Stand. lettuce crate 13 x 18 x 21-5/8 " " " "

Note: Standard lettuce crate now in current use: 14 x 17-1/2 x 22" ISM

Other Recommended containers:

Peach Boxes 4-1/2 x 11-1/2 x 18"

4 x 11-1/2 x 18"

Cherry " 10-lb. 2-1/4 x 9 x 18"

15-lb. 3 x 11 x 18"

20-lb. 4-1/2 x 9 x 19" (lugs)

Berry Crates: 21-7/8 x 15-5/8 x 5-1/2"

18-5/8 x 13-3/4 x 5-3/4"

16-1/4 x 12-1/4 x 6-3/4"

21-1/2 x 10-7/16 x 7-1/2"

Round Stave Baskets: Diameter at top: 17" (See U.S. Stand. Cont. Act)

Depth 10-3/4"

Capacity: 2150.42 cu.in.

Idaho Code 1932 as amended Ch.226 Ida. Sess. Laws 1937

Sec.22-801 Marking Requirements: Containers of fruit shall be plainly marked by grower or packer as to grade, variety or "variety unknown", origin, name of grower or association, grower's lot number, and in the case of apples, pears or peaches, as to net weight or numerical count. Makes unlawful false marking or mis-use of labels.

Idaho Code 1932, Official Ida. Grades for Packing and sale of Potatoes, Ch.32, Ida. Sess. Laws, 1941

Sec. 8 Containers of potatoes shall be marked as to grade in 2-inch block type letters or larger if containing 100 pounds or more, or in proportion to size of container if containing less than 100 pounds.

Sec. 9 Private brands may be used when they include the official grade title and are registered, approved and recorded by the State Department of Agriculture.

Sec. 11 Potatoes shipped during July, August and September may be packed in branded containers as indicated, or in bags bearing the private brand of the shipper, his name and address and an accurate statement of the quantity of the contents, without grade designation, provided the contents shall meet requirements of the Idaho Utility Grade.

Sec. 7 Potato container defined as "cloth, paper or fibre sacks (.as.. customarily used in the shipment of potatoes), cartons, barrels, boxes, crates, hampers, or baskets." Cloth or fibre sacks in which potatoes are packed for shipment shall be new or recleaned, bright, undamaged sacks. Provided, however, that...no container known as a mugged bag can be used on any grade or grades of potatoes as defined in this act. The term "undamaged" means that sacks have unbroken hems and may have not more than two holes of not more than one inch in diameter.

Sec.68-203 Method of Sale: Bushel Weights: Legal weights per bushel established for 10 fresh fruits and vegetables. Provides for sale of these by weight where no special contract or agreement is made to the contrary.

ILLINOIS Superintendent, Division of Standards, Department of Agriculture,
Springfield

Jones Illinois Statutes Annotated, 1934

- Containers:
2.090 Authorizes Director of Agric. after investigation and public hearing, to fix and promulgate official standards for containers of farm products, and to change them from time to time. Also to promulgate regulations prescribing tolerances.
2.091 The Director shall give public notice one year in advance of the date when a standard container shall become effective.
2.092 Authorizes Director to adopt as official standards for containers any standards adopted by the Federal Government.

- Standards:
142.26 Barrel for fruits and dry commodities other than cranberries:
U. S. Standard.
142.27 Barrel for cranberries. U. S. Standard
Baskets and open containers for berries and small fruits: 1/2 pint, 1 pint and one quart, dry measure.

Handbook - Weights & Measures Department - 1921:

- **Standard crate, box or basket for fruits and vegetables: 2352 cu.in.
1/3 Stand. barrel
Bushel crate for cranberries and blueberries: 2150.42 cu.in.
**Containers for fruits and vegetables: 1 qt., 2 qt., 3 qt., 4 qt., 5 qt., 6 qt., 8 qt., 16 qt., 34 qt.

Jones Illinois Statutes Annotated, Supplement 1942

- Marking Requirements:
2.099 Closed packages of fresh fruits and vegetables must be marked on the outside in letters not less than 1/2" high with the name and address of packer, or repacker if repacked, variety (or "Variety Unknown"), grade, where grades have been adopted, and the minimum size or numerical count, or net weight of the contents of the package. "Closed package" shall be construed to mean a barrel, box, basket, sack, carrier or crate, of which all of the contents cannot readily be seen or inspected when such package is prepared for market. Fresh fruits or vegetables in baskets or boxes, packed in closed or open crates, and packages covered with burlap, tarlatan or slat covers shall come within the meaning of the term "closed package". Other marking may be added if it does not obscure in any way the marking prescribed.
Packing. The shown face of all fresh fruits or vegetables in closed packages must fairly represent the size, quality and color of the contents of the package.
Non-standard containers prohibited: Whenever any standard for a container for an agricultural product is established, containers other than the standard, filled or unfilled, are prohibited.
Re-use of Containers: When any closed package is used for re-packing fruits or vegetables, all names, brands or marks relating to any former packing must be removed or obliterated.

- Method of Sale:
142.32 Heaped measure defined: Commodities sold by heaped measure shall be duly heaped in the form of a cone, the outside of the measure to be the limit of the base of the cone and the cone to be as high as the article will admit.

H.B. 687 - Approved June 1921:

- Sec. 19 Sales of commodities not liquid to be by measure of length, weight or numerical count except in original packages or standard containers.

Rev.Stats.1935, Chap.147

- Sec.34 Bushel Weights: Legal weights established for 19 fresh fruits and vegetables: Provides that when no special contract or agreement shall be made to the contrary the weight per bushel for these commodities shall be as specified.

**See U.S. Standard Container Act of 1928.

Note: No reply received in present survey. Information obtained from sources in Department.

INDIANA, State Commissioner of Weights and Measures

Burns Annotated Statutes, 1926 - Secs. 14588 - 14592

Containers:

Standard hampers and round stave baskets: 1 pk., 1/2 bu., 5/8 bu., 1 bu., 1-1/2 bu. (See U. S. SCA 1928)

Standard splint baskets: 4 qt., 8 qt., 12 qt., 16 qt., 24 qt.
(See U. S. SCA 1928)

Standard Climax baskets: 2 qt., 4 qt., 12 qt.

Standard containers for small fruits: Dry 1/2 pt., 1 pt., 1 qt., or multiples of dry quart.

(Dimensions of above containers are indicated)

Baldwin Anno. Stats. 1934 (1) and Burns Anno. Stats. 1933 (2):

- (1) Sec. 8487 Marking Requirements: Fruits and vegetables in closed containers
(2) Sec. 79-409 which are not built in accordance with Federal or State standards shall be marked with net contents in terms of weight.

Indiana Food, Drug & Cosmetic Act, Chap. 38, Acts 1939, Sec. 13 - as it relates to mislabeling of food products is the same as the Federal law (See Pg. 16).

Indiana Fruit Labeling Law, 1941:

Requires that the name and address of packer as well as grade and minimum size shall appear in a conspicuous manner on all closed containers of apples, peaches or strawberries sold or offered for sale in Indiana. (Minimum size not required on strawberries). Culls must be so marked in letters at least 2-1/2" high. Packing methods prescribed for peaches and apples in the containers currently used for these products.

Acts 1925, Chap. 86 Method of Sale: All commodities shall be sold by avoirdupois weight or by numerical count only, and it shall be unlawful to determine the quantity by dry capacity measure, basket, barrel or container of any kind. This does not apply to fruits and vegetables sold in original standard containers, or to vegetables customarily sold by the bunch. "Original standard container" defined as "only barrels, boxes, baskets, hampers, or similar container the dimensions or capacity of which are established by State or Federal law, the contents of which have not been removed or repacked, and which are marked to show the contents in terms of weight, measure, or numerical count."

Acts 1917, Chap. 153 Bushel Weights: Legal weights established for 15 fresh fruits and vegetables: A bushel of the respective articles hereinafter mentioned shall mean the amount of weight avoirdupois in this section specified.

Laws 1935, Chap. 65:
Sec. 6

Re-use of Containers: When fruits and vegetables, packed in used containers, are offered for sale carrying any markings pertaining to the previous contents, the words "not original contents" shall be conspicuously marked, labeled, or tagged on the outside of each container in letters not less than one-fourth inch in height.

IOWA, State Sealer of Weights & Measures, Des Moines

Code of Iowa, 1931

Sec. 3239 Containers: Berry boxes: 1/2 pt., 1 pt., 1 qt.
Climax baskets: 2 qt., 4 qt., 12 qt.
Hop boxes 23-1/4 x 18 x 36" ISM

Sec. 3240

Code of Iowa, 1935

Sec. 3238 Marking Requirements: Fruits and vegetables in Climax baskets must be labeled with the net weight.

Sec. 3234 Method of Sale: Dry commodities to be bought or sold by standard weight or measure unless in package form, or unless parties otherwise agree in writing.

Sec. 3236 Bushel Weights: Legal weights established for 20 fresh fruits and vegetables: When any of the commodities enumerated in this section shall be sold by the bushel or fractional part thereof, except when sold in a U.S. standard container, the measure shall be determined by avoirdupois weight and shall be computed as specified.

KANSAS, Secretary, State Horticultural Society, Topeka

Used For:

Revised Statutes 1925 (Including R.S. Suppl. 1930)

Sec. 63-110 Containers: 2 qt. Climax basket
 4 qt. Climax "
 12 qt. Climax "

Grapes
Tomatoes

*Sec. 83-111 1/2 pt., 1 pt., 1 qt. berry boxes - dry measure.
Tills in multiples of dry quart.

*Sec. 83-112 Apple box: 10-1/2 x 11-1/2 x 18" ISM (2173.5 cu.in.)

*Sec. 83-109	Standard barrel for fruits and vegetables:	7056 cu.in.
	2-bu.box:	4704 " "
	1-bu.box:	2352 " "

} Apples and
} sweetpotatoes

Sec. 83-117 Boxes for berries and small fruit to contain 1 pt.
and 1 qt. liquid measure.

NOTE: Berry boxes, whether filled or unfilled, of sizes designated in Sec.83-117 (liquid measure) are barred from interstate commerce by the U.S. Standard Container Act of 1916. (Liquid qt.: 59.75 cu.in.; U.S. dry qt.: 67.2 cu.in.)

Food, Drugs and Sanitary Laws, Rev. Stats. of 1923

Reg.15 Marking Requirements: Provides for marking of food products
Sec.8 similar to the Federal requirements under Food, Drug & Cosmetic
 Act. Definition of Deceptive container also the same.

Rev. Stats. 1923 (Incl. R. S. Suppl. 1930)

Sec. 83-117 Berries and small fruit if sold in boxes containing less than one liquid qt. or pt. must be marked as to net contents.

Sec. 83-116 Method of Sale: All dry commodities not otherwise specified in this act shall be sold only by standard dry measure, standard weight, or numerical count, except where parties otherwise agree.

Authorized standard dry measure: half bushel and binary subdivisions, based on the United States bushel of 2150.42 cu.in.

General Stats. 1935

Sec. 83-109 Pushel Weights: Legal weights established for 23 fresh fruits and vegetables..."vegetable products hereinafter mentioned shall have only the following standard weights, and when any of the following articles shall be contracted for or sold, and no special agreement...made to the contrary, such sale...shall be by net weight, the net weight to be marked on the outside of the barrel, sack, package, or bale...and the net weight...shall be..." as specified.

KENTUCKY, Commissioner of Agriculture, Frankfort

Carroll Kentucky Statutes, 1930, Sec. 1904 a-32

Containers: Barrel for apples: U. S. Standard Barrel.

Provides that steel barrels containing interior dimensions provided for in this section shall be construed as in compliance therewith.

Baldwin's Kentucky Stats. Chap. 134, 1936 Ed.

Sec. 4819a-4 Marking Requirements: Each package shall have the net weight, name and address of manufacturer printed or plainly marked on it in let and figures not less than one-half (1/2) inch in height.

Sec. 4921 Method of Sale: Bushel Weights: Legal weights per bushel established for 5 fresh fruits and vegetables.

Sec. 4922 Barrel Weight: Legal weight per barrel of Irish potatoes: 160 pounds.

*See Special Notes, p. 55

LOUISIANA, Commissioner of Agriculture and Immigration, Baton Rouge

H. B. 217, Approved July 13, 1940

- Sec. 2(b) Gives the State Market Commission - among other powers - the power to prohibit the sale of fruits and vegetables in Louisiana unless they conform to the rules, ordinances and regulations adopted by the State Market Commission to regulate the packing of such farm products and containers used therein according to the rules and regulations of the Agricultural Marketing Service (now Food Dist.Admin.) of the U. S. Department of Agriculture.
- Sec. 2 Marking Requirements: Provides that all fruit and vegetable containers shall be marked as to name and address or serial number of the person producing or marketing the produce, and name and grade of the product. Bushel Weights: Louisiana has no legal weights per bushel for fresh fruits and vegetables.

MAINE, Commissioner of Agriculture (State Sealer of Weights and Measures), Augusta
Revised Statutes, 1930-31

- Ch. 53, Sec. 32 Containers: 1/2 pt., 1 pt., 1 qt. berry boxes - dry measure.
- *Ch. 41, Sec. 40 Standard Apple Barrel shall be 7,000 cu.in. (See U.S. Std. Bbl. Act)
Also standard, a barrel of dimensions of U.S. Standard Barrel.
Standard Bushel Box for apples: 2350 cu.in.
Also box: 10-1/2 x 11-1/2 x 18" ISM
- Sec. 41 Marking Requirements: Manufacturers of standard barrels and boxes for apples shall mark each in a conspicuous place "Standard Barrel" and "Standard Box", respectively.
- Sec. 43 Every closed package of apples, in addition to above marking, shall be marked with name and address of packer, minimum size of fruit, and if grown in Maine, this should be indicated.
- Ch. 53, Sec. 31 Method of Sale; Bushel or Barrel Weights: Legal weights per bushel established for 28 fresh fruits and vegetables. At the request of the vendor or vendee the measure of these articles shall be determined as aforesaid. All such products to be in good order and fit for shipping or for market.
The standard weight of a barrel of potatoes shall be 165 pounds.
" " " " " " " " sweet " " " 150 "
- Sec. 32 If sold by measure, fruits, nuts, and vegetables shall be sold by U. S. standard dry measure, level full.

MARYLAND Chief, State Department of Markets, College Park

Annotated Code of Maryland, 1939, Article 97

- Containers:
- Sec. 17 5/8 bu. Hoppers: 1344 cu.in.
- Sec. 18 1/2 pt., 1 pt., 1 qt. berry boxes (Standard qt. 67.2 cu.in.)
- Sec. 20 1 Bu. Box: 2150.42 cu.in.
1/2 Bu. Box: 1075.2 cu.in.
- Sec. 21 *Pea and Bean Barrel: 6253.75 cu.in. (See U. S. Standard Bbl. Act)
Inside top diameter --- 18-3/4"
" bottom " --- 16-1/4"
Depth --- 26"
- Sec. 23 *Fruit and Vegetable Barrel:
Inside diameter of heads --- 16-1/2"
" " " bulge --- 18-1/2"
Length of stave --- 27-1/2"
- Sec. 24 *Standard barrel for apples (See U. S. Standard Bbl. Act)
- & Art. 27, Sec. 203 Diameter of heads --- 17-1/8" ISM
Distance between heads --- 26"
Circumference of bulge --- 64" min. OSM
Length of stave --- 28-1/2"
- Note: Apples may also be shipped in regular flour barrel.
- Sec. 39 Deceptive Pack: Prohibits packing of apples in any package in such a manner that the face or shown surface gives a false representation of the contents. False representation defined as "when more than 15 per centum of such fruits is substantially smaller in size than, or inferior in grade to, or different in variety from the faced or shown surface of such package."
- Sec. 26 Method of Sale; Bushel Weights: Legal weights per bushel estab-
- & " 29 lished for 10 fresh fruits and vegetables.

MARYLAND (Cont'd)

Sec. 16

Measures of Capacity: The units or standards of measures of capacity for dry measure...shall be based on a dry bushel of two thousand one hundred and fifty and four-tenths cubic inches; continual divisions of the bushel by two, equalling half-bushels, pecks; half-pecks, quarter-pecks, quarts, pints and half-pints.

Article 2-A,

Sec. 30

Marking Requirements: The State Board of Agriculture through the Maryland State Department of Markets and its duly authorized agents is authorized to promulgate rules and regulations governing the marking of fruit and vegetable containers to show quality, quantity, and size of contents, name and address of grower and packer, State where grown, etc.

Sec. 32

Fruits and vegetables are not required to be sold according to rules and regulations governing standards, grades, etc. but containers must not be falsely marked so as to misrepresent the contents.

Article 97:

Sec. 38

Provides that it shall be unlawful to erase original markings on containers of apples unless the apples are regraded and repacked.

Sec. 35

Containers of apples shall be plainly marked on one end in block letters and figures of not less than thirty-six point Gothic, with the name and address of packer, variety (or "Variety unknown"), grade or class, and minimum size. Repacked packages of apples shall bear name and address of repacker, in place of original packer.

Makes unlawful sale of apples which are adulterated or misbranded.

Sec. 48

Containers of cantaloups shall be marked with name and address of producer or shipper, variety, or "variety unknown".

Sec. 25

Any barrels, baskets or boxes standardized by Maryland law, which are of less capacity than prescribed, must be plainly marked in three conspicuous places "short".

Art.27,Sec.120 Provides certain penalties for defacement or erasure, without consent, of owner's name from any fruit basket, box or crate.

Sec. 121

Provides same penalties for the wilful destruction, without consent, of fruit baskets, boxes or crates.

Sec. 243

Prohibits use or possession, without permission, of boxes for farm produce which bear the name of the owner or owners.

MASSACHUSETTS, Director of Standards and Necessaries of Life, Boston

General Laws of Massachusetts, amended to 1935, Chap. 94

Sec. 98 Containers: 1/2 pt., 1 pt., 1 qt. berry boxes

Sec. 99A 1 Bu. Box: 2150.42 cu.in.: 7-1/16 x 17-1/2 x 17-1/2" ISM

("Standard Box Farm Produce")

Half Box: 1075.21 cu.in. 7-1/16 x 12-3/8 x 12-3/8" ISM

("Standard Half Dox Farm Produce")

Sec. 100

Apple Barrel: U. S. Standard

Apple Box: 10-1/2 x 11-1/2 x 18" ISM

Sec. 115

Cranberry barrel: U. S. Standard

Cranberry crate: 1980 Cu.in.: 7-1/2 x 12 x 22" ISM

(Box of different form but same capacity is considered standard.)

Sec. 116

1/2 Cranberry crate (990 cubic inches)

 $\frac{1}{4}$

11	11	495	11	11
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Sec. 117

Permits 1, 2 or 4 pound packages for cranberries provided net

5000 111

weight is plainly stamped on the top or side of each package.

Sec. 99A

Marking Requirements: Boxes in Sec. 99-A (Bu.Box and Half Box) shall be marked in letters not less than 1/2 inch high, "Standard Box Farm Produce", and "Standard Half Box Farm Produce".

MASSACHUSETTS (Cont'd)

Sec. 96

Method of Sale: Except as otherwise provided in Sections 98 and 99 (berry boxes and produce boxes), or except when sold in the original standard container, all fruits, nuts, vegetables, and grain, shall be sold at retail by avoirdupois weight or numerical count. The words "original standard container" as used in this section, shall mean and include only barrels, boxes, baskets, hampers, or similar containers, the dimensions or capacity of which is established by law of this Commonwealth or by act of Congress, the contents of which have not been removed or repacked by the retailer, and upon which is plainly and conspicuously marked the net quantity of the contents thereof in terms of weight, measure, or numerical count.

"This section shall not apply to the sale of apples repacked under the provisions of Section 104 nor to the sale, by the bunch, of... vegetables usually and customarily sold by the bunch."

Bushel Weights: No legal weights per bushel for fruits and vegetables.

MICHIGAN, Commissioner of Agriculture, Lansing

Compiled Laws, 1939

Act 17, P.A.1929 Provides that standards established by the U.S. Secretary of Agriculture for fruits shall be accepted as the legal standards except where other standards are specifically prescribed.

Sec. 1

Containers

2, 4, 12 qt. Climax baskets (Act 74, P.A.1917, Sec.1)

1/3 pt., 1 pt. and 1 qt. berry boxes " " "

Till baskets in multiples of dry qt. " " "

Celery crate or box: 22 x 16 x 21" ISM (Act 280, P.A.1929, Sec.1)

Standard Barrel for fruits and vegetables: U. S. Standard

" Cranberry Barrel: " " " (Act No. 88, P.A.1917; Sec.1)

Note: The standard celery packages adopted by the Celery Growers of Michigan in 1935-36 and reapproved for 1937-38, are as follows:

Rough Celery Crate: 16" wide x 21" long, inside, with optional over-all heights of 16 to 24 inches.

Half Crate: 10" wide x 21" long, inside, with optional heights of 16 to 24 inches.

Flats: 5" x 11-1/2" ends, inside, with over-all length of 14, 16, 18, or 22 inches.

Square: 8 x 8" ends, inside, with over-all lengths of 10 to 18".

Hiballs: 8 x 10", with heights of 18, 20 or 22", inside.

Hiboy: 12 x 18" ends, inside, with optional lengths of 6 to 30 inches in 2" steps

(Panel-end crate)

Marking Requirements:

Provides that an article of food is misbranded if its label is misleading or if in package form it does not bear the true avoirdupois net weight, measure or numerical count on the label so that it can be plainly read. Reasonable variations permitted and exemptions as to small packages. Marking requirements for specific commodities such as apples, potatoes and grapes, include also marking as to variety, grade and minimum size.

C. L. 6428
Sec. 3

MICHIGAN, (Cont'd)

Act. 333, Marking Requirements (Cont'd)

P.A.1931, Sec.532 Prohibits improper use (use without permission) of containers or parts thereof, bearing copyrighted labels, brands, etc.

" 564 Requires fruit and vegetable containers to hold the quantity represented.

" 565 Each baskets or other fruit packages for shipment of peaches, grapes and plums must be marked plainly on the outside (except the bottom) to show the capacity in pounds at the rate of one pound for each 43.008 cu. in. of space in basket.

Act 328, P.A.1931, as amended

Sec. 283 Closed package defined as "a barrel, box, basket, carrier or crate, of which all the contents cannot readily be seen or inspected when such package is prepared for market. Fresh fruits and vegetables in baskets or boxes, packed in closed or open crates, and packages covered with burlap, tarlatan or slat covers shall come within the meaning of the term 'closed package'."

C.L. 6428 Method of Sale: Every food product shall be sold by weight, measure or numerical count, and as now generally recognized by trade custom, except where the parties otherwise agree.

Act 223. Bushel Weights: Legal weights per bushel established for 10 fresh fruits and vegetables. Provides that whenever these products shall be sold by the bushel and no special agreement as to measurement or weight shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as specified. (Legal weights listed).

P.A.1863, Sec.1

MINNESOTA, Supervisor, Department of Weights and Measures, Minneapolis

Chap.66, Laws of 1913 (Masons 10402)

Sec. 1 Containers: 1/3 pint, 1 pint, 1 quart berry boxes or multiples of the dry one quart.

" Method of Sale:...all sales of raspberries....and similar berries, plums, cherries and similar small fruit, in less quantities than one bushel shall be by dry measure or in the containers above specified.

Sec. 2 Re-use of Berry Boxes or fruit baskets prohibited: In no case shall said containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

Revised Statutes, Chap. 270, Laws of 1935 (Masons 7025)

Sec. 1 Bushel Weights: Legal weights per bushel established for 18 fresh fruits and vegetables. In contracts for the sale of the following articles the term "bushel" shall mean the number of pounds avoirdupois herein stated.

Volume Bushel: In contracts for the sale of green apples the term "bushel" shall mean 2150.42 cubic inches.

Revised Statutes, Chap. 560, Laws of 1913 (Masons 7021)

Sec. 1 Measures of capacity: The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two.

Sec. 8 All contracts for the sale of a fractional part of a bushel... of any article or commodity on which the legal weight or measurement per bushel...has been established, shall require and mean a like fractional part of the legal weight or measurement per bushel.

(Masons 7029)

Reg. 3 The capacity of all dry measures, and baskets used as dry measures, (1916) shall be conspicuously, legibly and permanently indicated on the side of the measure. This shall be in combination with the word "dry" in the case of measures in which the word "quart" or "pint" occurs.

Reg. 5 Specifications as to construction: The bottoms of all dry measures (1916) shall be perpendicular to the axis of the measure and shall be flat, or when made of metal, may be slightly corrugated when such corrugations aid in strengthening the measure. Such corrugations, when employed, shall be parallel or radial straight lines only.

MINNESOTA, (Cont'd)

- Reg. 10
(1916) Deception: Dry measures shall not be double ended; that is, have the bottoms set part way up into the measure so that both ends may be utilized as measures either of the same or of different capacities: Provided, however, that this requirement shall not apply to the so-called "Minnesota" berry box, commonly referred to as the "Hallock" box. (Note: Hallock boxes barred as deceptive under Federal Food, Drug and Cosmetic Act, and therefore illegal in interstate commerce).
- Reg. 11
(1916) Dry measures, and baskets used as dry measures, shall not have adjustable or movable bottoms.

MISSISSIPPI, Commissioner, Department of Agriculture and Commerce, Jackson

Gen. Laws of Miss. H. B. 425, approved March 1940:

- Sec. 2 Authorizes Commissioner of Agriculture and Commerce to specify the standard containers which may be used for vegetables, and to provide for their marking, legibly, as to grade and size of contents; also to establish other safeguards to regulate the marketing of fresh vegetables in Louisiana.
- Containers:
Reg. 1 Field Carrier Box for tomatoes: 12 x 11-3/4 x 22-1/2" ISM
(Eff. 4/20/40)
- Annotated Code 1930, Chap. 176:
Sec. 7355 Method of Sale: Bushel Weights: Legal weights per bushel established for 3 Fresh fruits and vegetables: On all sales by weight of the agricultural products hereinafter named the number of pounds per bushel as stated shall be the true and lawful legal standard weight.

MISSOURI, Commissioner of Agriculture, Jefferson City

Revised Statutes, 1939

- Sec. 14291 Authorizes Commissioner of Agriculture to establish standard containers for farm products.
- Sec. 15628 Containers: *Standard Apple Barrel:
Length of stave: 28-1/2"
Chimes at the ends: 3/4"
Diameter of head: 17-1/4"
Diam. of center, ins.: 20-1/2"
- Missouri Apple Merchandizing Act of 1941
- Sec. 14302 Marking Requirements: All apples exposed or packaged for sale in Mo. must be labelled as to variety, minimum size and grade, and if a closed package, with name and address of packer. Apples failing to meet the requirements of established grades must be marked "culls" in letters at least 2-1/2 inches high.
- Re-use of Containers: The law does not prohibit packing apples in used baskets but makes mandatory the removal or destruction of old markings.
- Chap. 142, Art. 1
- Sec. 15628 Method of Sale:
Bushel Weights: Legal weights per bushel established for 15 fresh fruits and vegetables: Whenever the articles hereinafter named shall be sold by the bushel, and no special agreement as to measurement or weights thereof shall be made, the bushel shall consist of the number of pounds specified.
The term "bushel" as applied to apples sold by volume means 2150.42 cu.in.; the term bushel as applied to apples sold by weight, means 48 pounds.

*See U. S. Standard Barrel Act; also Special Notes, p. 56

MONTANA, Chief, Division of Horticulture, Missoula

Revised Statutes of 1939:

Department of Agriculture, Labor and Industry is authorized to establish standard containers.

Containers:

Sec. 4246 Pint and quart Hallocks or containers for berries: 33.6 and 67.2 cu. in., 12-oz. and 24-oz., respectively, minimum weight of contents.

Sec. 4265 Standard Apple box: 10-1/2 x 11-1/2 x 18" ISM

Sec. 4246 Marking Requirements:

Any packaged product must be plainly labelled as to net weight, measure, or numerical count, designated (where not otherwise provided) in letters not less than 1/9" high, 8 point type. Does not apply to packages sold for less than 10¢ or to articles or commodities sold by aggregate net weight.

Sec. 4265.2 Any box, barrel, crate or carton for apples must be marked as to name of packer and locality where grown and packed, variety, grade, net weight or numerical count.

Sec. 4265.3 Apples shipped or sold in bulk shall be marked with two cards 10 x 12 inches in size on each car door or side of truck with statement of true grade.

Sec. 4265.5 Any box of less capacity than the standard apple box must be marked "Short Box" in letters not less than 1/8" high on one end and one side.

Sec. 4246.2 Container Defined: "Any receptacle or carton into which a commodity is packed, or any wrappings with which any commodity is wrapped or put up for sale, or to be offered or exposed for sale.

Sec. 4246.2 Deceptive Appearance: No containers, boxes, or baskets wherein food products or other commodities are packed shall have a false bottom, false side walls, false lid or covering, or be otherwise so constructed as to facilitate the perpetration of deception or fraud.

Sec. 4246.1 Method of Sale: Provides for sale by net weight, measure or numerical count.

Sec. 4246 Bushel Weights: Legal weights per bushel established for 10 fresh fruits and vegetables: A bushel of the articles herein named consists of the number of pounds affixed to each.

Sec. 4246.1 Contracts for...anything...sold by weight or measure, shall be construed according to the standards adopted, except where otherwise agreed.

Sec. 4223 Measures of Capacity: The measures of capacity for...corn in ear, fruit, roots of every kind, and for all commodities commonly sold by heaped measure, are the half bushel, its multiples and sub-divisions. (Shape and dimensions specified).

Sec. 4224 All commodities sold by heaped measure must be duly heaped in the form of a cone; the outside of the measure to be the base of the cone, and the cone to be as high as the article will admit.

NEBRASKA, Secretary of Agriculture, Lincoln

Compiled Statutes, 1941

(Bull. 15, Dept. of Agric. & Inspection)

Containers:

Sec. 89-116 1/2 pt., 1 pt. and 1 qt. berry boxes

Method of Sale:

Sec. 89-115 All dry commodities not otherwise specified in this article shall be sold by standard weight, numerical count, or lineal measure, except where parties have a written agreement specifying some other unit, or, in the case of fruits and vegetables, in containers other than specified in Sec. 89-116 (berry boxes), where the containers are labelled designating the minimum weight or minimum numerical count.

- Sec. 89-112 Bushel Weights: Legal weights per bushel established for 20 fresh fruits and vegetables: Whenever any of the articles mentioned in this section shall be sold by the bushel...and no special agreement shall be made in writing, the measure thereof shall be determined by avoirdupois weight, as specified.
- Sec. 89-103 Bushel - Volume:
A bushel shall consist of 2150.42 cubic inches.

NEVADA, Director, Division of Plant Industry, Reno

Statutes of Nevada, 1931, Chap. 225

- Secs. 2 & 4 Containers: Authorizes State Department of Agriculture to promulgate regulations establishing standard containers for fresh fruits and vegetables, but none have been adopted.
- NOTE: Sec. 8289 of the Compiled Laws of 1929, establishing 1 qt. and 1 pt. berry boxes, apparently still in effect.
- Sec. 2 Marking Requirements: Provides that for apples, apricots, peaches and tomatoes the minimum size, numerical count or description of pack shall be plainly stencilled, labeled or otherwise indicated on the package.
- Bushel or Barrel Weights: Legal weights per bushel or per barrel established for 10 fresh fruits and vegetables: "Whenever any of the following articles shall be...sold...and no special contract or agreements shall be made to the contrary, such sale and computations for payment shall be by weight." The net weight per bushel or per barrel is specified for the products named.

NEW HAMPSHIRE, Commissioner, Department of Weights and Measures, Concord

Revised Laws, 1941

- Chap. 193 Containers:
- Sec. 11 Standard box for farm produce: $7\frac{1}{16} \times 17\frac{1}{2} \times 17\frac{1}{2}$ "
" $1\frac{1}{2}$ " " " " $7\frac{1}{16} \times 12\frac{3}{8} \times 12\frac{3}{8}$ "
- Chap. 192 Baskets or other receptacles for berries, cherries or currents:
- Sec. 26 1 qt., 1 pt., $1\frac{1}{2}$ pt., U. S. standard measure.
- Chap. 197 Standard barrel for apples: U. S. Standard.
- Sec. 2 Standard bushel for apples: Not less than U.S. standard, 2150.42 cubic inches.
- Chap. 197 Marking Requirements: Containers for apples other than the standard barrel and standard bushel must be marked in terms of cubical capacity, or count, with minimum size of fruit.
- Sec. 2 Method of Sale:
- Chap. 192 Fruits, nuts, and vegetables, if sold by measure, shall be sold by dry measure, U. S. standard.
- Sec. 26 Bushel Weights: Legal weights per bushel established for 18 fresh fruits and vegetables: Except where parties shall expressly agree to sale by some other standard, a bushel shall contain the number of pounds herein set forth.
- Chap. 192 Measures of Capacity: Large commodities shall be measured by heaping measure in the form of a cone, the outside ring of the measure to be the base of the cone, and the cone to be as high as the commodity will admit. Other commodities shall be measured by struck or level measure.

NEW JERSEY, State Superintendent of Weights and Measures, Trenton

Revised Statutes, 1938, Title 51, Chap. I

- Containers:
- Sec. 20 Cranberry barrel: U. S. Standard
- Sec. 21 Cranberry box: $12 \times 7\frac{1}{2} \times 22$ " ISM
- Sec. 22 2, 4, 12 qt. Climax baskets
- Sec. 25 Standard Peach Box: $12\frac{1}{4}$ " deep $\times 13\frac{1}{2}$ " wide at top (16 qts.)
- Sec. 26 32, 20, 16, 8, 4, 2 qts., 1 qt. and 1 pt. berry boxes or containers
(See U. S. Standard Container Act of 1928)

NEW JERSEY (Cont'd)

- Reg.31 (1942) Establishes as standard, 1/2 pint berry box.
Sec. 56 The State Superintendent of weights and measures may in cooperation with the State Department of Agriculture...establish and promulgate standards for containers for agricultural or horticultural products.
Containers Established by Regulation:
- Reg.15 (1931) 1-1/2 bushel crate No dimensions given.
2/3 celery crate 22 x 16 x 20-3/4" ISM (4-8 doz. bunches)
1/2 barrel cabbage crate 18 x 12 x 17" (1-1/2 bu.)
("Norfolk" style)
32 qt. or 60 pt. berry crate 14-3/4 x 11 x 22"
24 qt. berry crate 11 x 11 x 22"
3/4 and 1-1/2 bu. hampers
- Reg.19 (1934) *Open Apple Crate 11 x 14 x 17-1/2 ISM
Reg.22 (1938) Northeastern Apple Box 11 x 14 x 17" " (1-1/5 Bu.)
Reg.29 (1941) For Cranberries: (See also Secs. 20 and 21 above)
1/2 barrel box, Style A: 10-7/16 x 14 x 20" 2923 cu.in.
1/2 barrel box, Style B: 10-1/2 x 14 x 20" 2940 cu.in.
1/4 barrel box 9-1/4 x 10-1/2 x 15" 1456.8 cu.in.
1/8 barrel box 7-11/32 x 8-3/8 x 11-7/8" 730.36 cu.in.
- Sec. 25 Marking Requirements: Standard peach baskets must be marked "Standard N. J." Non-standard baskets for peaches must be marked to indicate the number of quarts.
- Sec. 27 Containers for fruits and vegetables shall be marked to indicate the exact capacity, and to identify the manufacturer, by name and address or authorized symbol.
- Sec. 28 Containers of fruits and vegetables must also be marked in letters not less than 3/8" high, with the name and address of the packer, who must first remove from the container all other names and addresses except that of the manufacturer.
- Reg.24 (1939) All standard containers for fruits and vegetables shall be marked by the manufacturer in terms of quarts and not in terms of the bushel and its sub-divisions; and with his name and address or authorized symbol.
Re-use of Containers: Section 28 above indirectly relates to used containers by requiring removal of previous markings.
- Sec. 17 Method of Sale: Food, other than liquids, shall be sold by net weight or numerical count, except (1) fruits and vegetables in closed or covered original standard containers; (2) vegetables customarily sold by the bunch; or (3) fresh berries in standard 1 qt. or 1 pt. boxes or baskets.
Original Standard Container defined as: "Only barrels, baskets, boxes, hampers, or similar containers, the dimensions or capacity of which is established by State or Federal law, the contents of which have not been removed or repacked, and which are properly marked in terms of weight, measure, or numerical count."
- Sec. 16 Bushel Defined: The standard bushel shall contain 2150.42 cu. in., which capacity shall apply to all articles usually sold by the bushel and not weighed.
Bushel Weights: No legal weights per bushel for fruits and vegetables.

NEW MEXICO, Supervisor, New Mexico College of Agriculture & Mechanic Arts,
State College

Annotated Statutes, 1929

- Containers:
Sec. 153-124 Apple box: 10-1/2 x 11-1/2 x 18" ISM
Pear box: 8 x 11-1/2 x 18" "
Sec. 153-125 1 pint, 1 quart berry boxes, liquid measure (See Special Notes, p. 56)

- Continued -

*See Special Notes, p. 56

NEW MEXICO, (Cont'd)

Fruit and Vegetable Standardization Law, 1941:

Sec. 16 Marking Requirements: Except as hereinafter specifically exempted, all containers of fruits and vegetables except sub-containers, shall be marked with name and address of orchard or farm where grown, or name and address of packer, name of product, and grade.

Sec. 17 Prohibits false or misleading labelling.

Re-use of Containers: Prohibits repeated use of any container or sub-container for fruits and vegetables unless all former markings are removed or obliterated.

New Standards: ...the Supervisor of Inspection may provide for standard packages other than those established in the Act, but no standard packages shall be eliminated or changed without due notice to the industry involved. Provision made for hearings.

Annotated Statutes, 1929

Sec. 153-123 Method of Sale: All dry commodities not otherwise specified in this chapter shall be sold only by standard dry measure, standard weight, or numerical count, except where parties otherwise agree.

Sec. 153-116 Bushel Weights: Legal weights per bushel established for 14 fresh fruits and vegetables: Whenever the articles hereinafter named shall be sold by the bushel, and no special contract or agreement shall be made to the contrary, the bushel shall consist of the specified number of pounds.

NEW YORK, Commissioner, Department of Agriculture and Markets, Albany

Consolidated Laws and Regulations, as amended 1940. Chap. I

Containers:

Sec. 192 Container defined: A container...shall include any carton, box, crate, barrel, half-barrel, hamper, keg, drum, jug, jar, crock, bottle, bag, basket, pail, can, wrapper, parcel or package.

Sec. 192-a The Commissioner shall have authority to approve as a standard container any type of container for any commodity which shall have the same cubic capacity as the one hereafter provided for such commodity.

Standards established:

Standard Lettuce Crate: 7-1/2 x 16 x 19" ISM (2280 cu.in.)
*Standard Celery Crates: 22 x 16 x 20-3/4" (7304 " ")

Secs. 192-a-1, Marking Requirements:

a-2. 194; All containers for vegetables, produce and fruits shall be marked in
Regs. 1-B, C; terms of weight, measure or numerical count, except celery and lettuce
2-A: which must be marked in terms of numerical count only, and, if in standard containers, with words "Standard celery container" and "Standard Lettuce Container", respectively. Containers must also show name and address of producer or manufacturer, and all markings must be on the top and side and not covered or obscured in any way. Celery containers must also be marked to show name and address of packer or distributor in letters not less than one inch high.

Reg. 2-B Where Congress has adopted standards such as the barrel, the cranberry barrel, Climax grape baskets, etc., they must be marked, when filled, "1 barrel", "1 half barrel", "cranberry barrel", etc., unless marked in terms of weight, count, or other standards of dry measure.

Reg. 1-D If the quantity of contents be stated by weight or measure, it shall be marked in terms of the largest unit contained in the package. For example, if a pound and a fraction of a pound, the contents shall be expressed in terms of pounds and fractions thereof; or pounds and ounces, and not merely in ounces.

- Continued -

*See Special Notes, p. 56

NEW YORK, (Cont'd)

- Sec. 201 Misbranding: Food is deemed misbranded if:
- (1) Its labeling is false or misleading in any particular
 - (4) If its container is so formed, colored or filled as to be misleading,
 - (5) If in package form, unless it bears a label containing the name and place of business of the manufacturer, packer or distributor.
- Sec. 192-b Re-use of Containers: When farm products of the same kind as the original contents are packed in used containers by others than the original packers and sold, offered for sale or transported for sale, any markings pertaining to the original contents shall be erased, obliterated, or such containers shall be conspicuously marked or labeled in letters at least one inch in height: "Not Original Contents."
- Sec. 190 Method of Sale: Except when sold in the original container, fruits, vegetables, grains and nuts shall be sold at retail by avoirdupois weight or numerical count. "Original container" shall mean any container or integral thereof, which integral is a smaller container, the contents of which have not been removed or repacked by the retailer.
- Sec. 193 All commodities not in containers shall be sold or offered for sale by standard net weight, standard measure or numerical count, except meat, meat products and butter, which shall be sold by net weight only; provided that vegetables may be sold by the head or bunch.
- Sec. 179 Bushel Weights: All legal weights per bushel abolished in 1940.
- Measures of Capacity: The peck, half peck, quarter-peck, quart, pint and half-pint measures, for measuring commodities which are not liquids shall be derived from the half bushel by successively dividing that measure by two.

NORTH CAROLINA, Superintendent of Weights and Measures, Raleigh

North Carolina Code, 1931:

- Containers:
- Sec. 4784 Gives the Board of Agriculture authority to establish standard containers.
- Reg. 11 (1931) Standard barrel for fruits, vegetables and other dry commodities: U. S. Standard
- Standard Crenberry barrel: " " "
- 1/3, 1/2 and 3/4 barrels: " " "
- Marking Requirements:
- Reg. 11 All barrels sold within the State must be approved, and all State approved barrels or sub-divisions shall be marked or otherwise labeled by the manufacturer: "N. C. Approved Barrel", serial number (manufacturer's name) Capacity Bbl.
- All markings on containers must be on the top or side and must not be covered or obscured in any way.
- The term "Net Weight When Packaged" shall not be used.
- A package containing 1/2 avoirdupois ounce of food or less is "small" and shall be exempt from marking in terms of weight.
- When a package is not required to be marked in terms of either weight or measure and the units therein are less than six, it shall...be deemed "small" and shall be exempt from marking in terms of numerical count.
- Public Laws as amended 1929: Chap. 261 re weights and measures:
- Sec. 16 It shall be unlawful to keep for the purpose of sale or expose for sale, or sell any commodity in package form unless the net quantity of the contents is plainly or conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. Reasonable variations, and exemptions as to small packages.

NORTH CAROLINA (Cont'd)

- Reg. 12 "In Package Form" defined: The words "In package form" as used in Sec. 16 shall be construed to include a commodity in a package, carton, case, can, box, bundle, barrel, bottle, phial, or other receptacle, on a spool or similar holder, in a container or band, or in a bolt or roll or in a ball, coil or skein or in coverings or wrappings of any kind...which may be labeled...or otherwise marked...making one complete package of the commodity. Includes both wholesale and retail package.
- Sec. 18 Method of Sale:
Whenever any commodity is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity, and all contracts concerning goods sold on a basis of weight shall be understood and construed accordingly. (See later (1933) requirement below re provision for sale by established bushel weights).
- Consol. Stats. Article I, amended 1933:
Sec. 8060 Bushel Weights: Legal weights per bushel established for 29 fresh fruits and vegetables. Provision made for sale of the items for which bushel weights have been specified, by the established weights or by actual weight, indirectly eliminating sale by dry measure.

NORTH DAKOTA, State Food Commissioner and Chemist, Bismarck

Session Laws of 1919, Chapter 239:

- Containers: No standard containers established.
Method of Sale:
 Sec. 1 Measure of capacity: The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches.
 Sec. 5 Bushel Weights: Legal weights per bushel established for 20 fresh fruits and vegetables: In contracts for the sale of any of the... articles (for which weights are specified) the term "bushel" shall mean the number of pounds avoirdupois herein stated.

CHIO, Director of Agriculture, Columbus

Annotated Code, 1930:

- Containers:
- Sec. 6413 *Standard fruit and vegetable barrel: Stave: 28-1/2"
Head: 17-1/8"
Bulge: 66"
- Sec. 6422-1 2, 4 and 12 quart Climax baskets
- Sec. 6422-2 2 pt., 1 pt. and 1 qt. berry boxes, and multiples of the dry quart.
- Sec. 6422-3 *1/2, 1, 1-1/2 bushel hampers
- Sec. 6422-4 *1, 1-1/2, 2 bushel round stave baskets
- General Code of Ohio 13128, 1933
- Sec. 2 Marking Requirements: Containers of fresh fruits, vegetables or honey, except apples, must be marked with (1) Name and address of packer or repacker, and if repacked, with State of origin, (2) net contents by weight or numerical count if not built in accordance with Federal Standard Container Act, in which case marking as to cubical contents is sufficient, (3) grade, or if ungraded, or growers grade, shall be so marked, in letters of legible size.
- Sec. 3 Unit containers removed from larger containers, or containers sold and delivered on the premises where produced need not be marked; nor commodities sold at retail and filled from containers bearing the required marking.

- Continued -

*See Special Notes, p. 56

OHIO, (Cont'd)

Note: Under the Apple Labeling Law, 1941, the requirements of Sec. 2 above also apply to apples, with the following additions: Apples must also be marked as to variety and minimum size, and those not meeting the requirements of the standard grades must be labeled "culls" in letters at least 2-1/2 inches high when sold for purposes other than processing.

Sec. 10 Re-use of Containers:

When fruits, (except apples), vegetables, or honey, packed in used containers are offered for sale carrying any markings pertaining to the previous contents, the words "not original contents" shall be conspicuously marked, labeled or tagged on the outside of each container in letters of a legible size.

Under the 1941 Apple Labeling Law, when apples are packed in used containers previous markings shall be obliterated, and the new marking shall be plain, distinguishable and legible.

Sec. 4 False Representation: Sale of fresh fruits, vegetables and honey in a package in which the exposed surface gives a false representation of the contents is unlawful.

General Code, 1934, Chap. 32

Sec. 6418 Bushel Weights: Legal weights per bushel established for 13 fresh fruits and vegetables. Unless otherwise agreed to the...articles (for which bushel weights are specified) when dealt in by the bushel shall be bought and sold upon such actual bulk weight, and no test for moisture shall be used to change the standards herein provided.

*OKLAHOMA, Director, State Bureau of Standards, University of Oklahoma, Norman

No standard containers established by State Law

Stats. 1931

Sec. 13333 Bushel Weights: Legal weights per bushel established for 13 fresh fruits and vegetables. Whenever the articles hereinafter named shall be sold by the bushel, and no agreement as to weight or measure thereof shall be made by the parties, the bushel shall consist of the number of pounds specified.

*No reply received in present survey.

OREGON, Director, Division of Plant Industry & Market Enforcement, Salem

Oregon Compiled Laws Annotated, 1941

Containers: (A) Established by law:

Sec. 76-310 Standard Cranberry Barrel: U. S. Standard.

311 1/2 barrel, 1/3 barrel, Cranberry barrel, and box

313 Cranberries: Containers or cartons, holding 4 qts., 2 qts., 1 qt., or 1 pt. Cubical contents must be printed on containers.

320 Sack of potatoes: 100 pounds shall be standard where not otherwise specified by contract.

(B) Established by Regulation:

	Depth	Width	Length		
Apples	10-1/2 x	11-1/2 x	18"	ISM	Western Box
" (1942)	7-1/2 x	8-1/2 x	16-1/8"	"	Miniature Box
Apricots	4	x 11	x 15-1/8"	"	"Yakima Lug"
	5-3/4 x	13-1/2 x	16-1/8"	"	"Los Angeles Lug"
	*8-1/4 x	10-1/2Tx	15"	"	"Pyramid Box"
		8	B	"	
	(*Includes cleat)				
	4-1/2 x	12-1/2 x	16"	"	"Special Box"
Asparagus	10-1/2 x	8 T	x 18-1/2"	"	Crate
		10-1/2 B			

OREGON, (Cont'd)		Containers established by regulation, cont'd.	
Cantaloups	4-1/2 x 13-1/2 x 22-1/8"	ISM	Flat Crate
	11 x 11 x 19-1/8"	"	Pony Crate
	12 x 12 x 22-1/8"	"	Standard Crate
	13 x 13 x 22-1/8"	"	Jumbo Crate
Cauliflower	(8 to 8-3/4 x 17-1/2 x 24-1/2"	(24 to 24-1/2"	"(Length OSM)
	8-1/2 x 18 x 22-3/8"	"	" "
Celery	-- 22 x 24"	"	Crate
	-- 11 x 20-1/2"	"	Half-crate
	9-1/2 x 16 x 20-1/4"	"	Howard
Sweet Cherries	5-3/4 x 13-1/2 x 16-1/8"	"	Los Angeles Lug
	(4-1/8 and 4-1/4 x 8-5/8 x 17-1/4"	"	Box
	(With or without a 3/8" center partition)		
	2-1/4 x 9 x 18"	ISM	10# box
	*4 x 11 x 14"	"	Oregon 15# lug
Grapes	5-3/4 x 13-1/2 x 16-1/8"	"	L.A. lug
	U. S. Standard 4 qt. Climax basket outside measurements:		
	Top: 6-1/4 x 14"		
	Bot. 4-1/2 x 12"		
	Hgt. 4-11/16"		
Loganberries	All 12-ounce Hallock, or cup-type containers except those with set-up bottoms.*		
#Onions and Onion Sets:	100, 50, 25 and 10-pound bags. For number 1 grade or better the bags shall be clean new bags. No. 2 grade may be packed in clean used bags.		
Peaches	4 to 5 x 11-1/2 x 16-1/8"	ISM	Box
	(Depth in 1/4" steps)		
	3-1/2 to 6 x 11-1/2 x 18"	"	Box
	(Depth in 1/2" steps)		
Pears	8-1/2 x 11-1/2 x 13"	"	Ore. Standard Pear Box
	4-1/2 x 11-1/2 x 18"	"	" " 1/2 " "
	Los Angeles Lug - See Grape above		
	7-1/2 x 15 x 30-3/4"	ISM	San Francisco lug
	9-1/2 x 11-1/2 x 18"	"	"3-cushion special box"
	5-1/2 x 11-1/2 x 18"	"	" " 1/2 " "
	4, 4-1/4, 4-1/2, 4-3/4 or 5 x 11-1/2 x 16-1/8"		Lug (Estab.1942)
Peas	9-1/2 x 12 x 19-5/8"	"	Box
	32-qt. hamper		Federal standard
Plums & Prunes	1/2 bushel basket (tub or round stave)		" "
	3-3/8 x 10-1/2 x 15"	ISM	Display lug
	(A 1/2" cleat to be used on top of ends)		
	8-1/4 x 10-1/2 T x 15"	ISM	Pyramid Box
	8 B		(Depth includes cleat)
#Potatoes	Same sizes of bags as for onions; also 15# bags. For number 1 grade or better the bags shall be new or clean No. 1 used bags. For No. 2 grade bags shall be clean and sound. The following wooden boxes shall also be standard for potatoes:		
	3-7/8 x 11-1/2 x 14-1/2"	ISM	15#
	5-3/4 x 16-1/8"	"	30#
	11-1/2 x 11-1/2 x 16-1/8"	"	with cover 50#
	11-1/2 x 12 x 16-1/8"	"	without cover, 50#
	13-3/4 x 14-1/2 x 22-7/16"	"	(regular) 100#
	13-3/4 x 14-1/2 x 22-5/8"	"	(light) 100#
	13-3/4 x 14-1/2 x 22-1/4"	"	(Government) 100#
	11-3/4 x 15 x 31"	"	(Navy) 120#

*See Special Notes, p. 56

#Container standards for these commodities taken from Oregon Standards for Onions and Onion sets, and for Potatoes, 1942.

OREGON (Cont'd)

Raspberries	*All 12-ounce Hallock or cup-type containers except those with set-up bottoms		
Strawberries	Same as for raspberries		
Tomatoes	5-3/4 x 13-1/2 x 16-1/8"	ISM	L. A. Lug
	3-1/2 to 6	"	Box
	(Depth in 1/2" steps)		
Beets, cabbage, carrots, lettuce, spinach	13 x 18 x 21-5/8"	"	Vegetable Crate

Container defined:

36-203 as "the box, crate, lug, chest, basket, carton, barrel, keg, drum, sack, hamper, bag, bin, tray, bucket, or other receptacle, whether open or closed, used by any person, firm, association or corporation in transporting horticultural products, or in which such products are offered for sale."

Sec. 36-202 Marking Requirements: Persons, firms or corporations dealing in fruits and vegetables and operating under their own private brand shall plainly designate on such private brand that goods were Oregon Grown or Packed in Oregon. Address of cannery or main office should be designated. Does not apply to sales to wholesalers, packers or others reselling. Marking must be in legible letters or figures not less than 3/8 inch in height and 3/16" in width.

36-204 All containers of horticultural products shall be plainly labeled with the name and address of the grower, shipper or dealer, and the net contents in terms of weight, measure or numerical count. Does not apply to transportation from owner's fields to warehouse for storage or grading and packing, or to processing plants.

Bags or boxes of potatoes and bags of onions and onion sets shall, in addition to the above marking be marked as to grade. The letters and figures on bags or boxes of 100# or more shall be not less than 1-1/2" high; 50#, 1 inch; 25, 15- and 10-pound bags and 30- and 15-pound boxes, 3/4". Potatoes sold in lots of 15# and less need not be marked as to name and address or brand of the grower or dealer. (Oregon Standards for Onions and Potatoes, 1942).

36-203 Deceptive Pack:

Deceptive pack defined as one in which the exposed surface is so superior to unexposed as to materially misrepresent the contents. Also means "a container slackly filled so as to deceive the purchaser in regard to the total contents, or a container which has had a portion of the original contents removed and then offered for sale as a full pack.

36-204 "It shall be unlawful to prepare, deliver for shipment, ship, transport, offer for sale or sell a deceptive pack or package, load, arrangement or display of horticultural products."

Re-use of Containers:

36-206 Prohibits sale of horticultural products in used packages unless such packages are first cleaned of all foreign matter and substances and are in all respects sanitary, and unless all previous markings, brands, grade markings, labels, trade-marks, names and addresses shall be entirely removed or so defaced as to destroy their legibility, or by turning such container inside out. Does not apply to transportation from the owner's fields to a warehouse for storage or grading, or to processing plants.

*See Special Notes, p. 56

Method of Sale:

- 76-302 No legal weights per bushel for fresh fruits and vegetables.
Unlawful to use dry capacity measures to determine amounts or quantities sold.
All commodities heretofore sold by dry measure...shall be sold upon the basis of net weight or numerical count.
Boxes, baskets, and similar containers, the capacity of which has been established by law, shall not be construed as dry measures.
- 76-311 Cranberries: Shall be packed in standard cranberry barrel, or sub-divisions (1/2 bbl., 1/3 bbl.) or box which shall have the cubical contents of 1/2 or 1/3 bbl.
- 76-312 When sold in quantities less than 1/3 bbl., cranberries may be sold by dry measure, that is, by quart, pint, and similar measures.

PENNSYLVANIA, Bureau of Markets, & Bureau of Standards, Department of Internal Affairs,
Harrisburg

Pennsylvania Statutes, Supplement 1928:

Containers:

- Sec. 193 Bureau of Markets, Department of Agriculture, in cooperation with Bureau of Standards, Department of Internal Affairs, authorized to establish and promulgate standard containers.
- June, 1920 Standard containers established by regulation:
U. S. standard baskets, hampers and barrels
6-basket crate: 10-1/2 x 11-1/4 x 22" ISM
32-quart " 14-1/2 x 11 " x 22" "
July, 1937 Bushel Bag: Flat: 19-5/8 x 32"; filled: Depth 19-1/32", diam. 12"
Peck Bag " 13-1/2 x 20"; " " 10-3/4" " 8"
- Commodities Act, as amended 1929: Marking Requirements:
- Sec. 5-A Makes unlawful any false marking on containers of commodities.
- Sec. 7 If in package form, quantity of contents shall be plainly and conspicuously marked in terms of weight, measure or numerical count.
Exemptions as to small packages, to be defined by regulation.
- Sec. 6 Method of Sale:
Bushel Weights: Legal weights per bushel established for 29 fresh fruits and vegetables: Whenever any commodity named in this Section shall be sold by the bushel, the bushel shall consist of the number of pounds herein stated. Provided that fruits and vegetables in Pennsylvania standard containers which are the original packages, and properly filled, shall be exempt from the provisions of this Section.
- Acts 1937 Hereafter it shall be lawful to sell at wholesale or retail fruits and vegetables in original, unbroken, standard containers, if marked to show contents in terms of weight, measure, or numerical count, and if properly filled. If the contents of an original standard container are broken for re-sale, or if fruits and vegetables are sold in any other manner than in original unbroken standard containers, such sales must be by weight or numerical count and in no other manner whatever.
- Acts 1937 "Original unbroken standard container" defined as "Any barrel, box, basket, bag, or similar container approved by any proper Federal agency, or in accordance with any act of Congress or the laws of Pennsylvania, the contents of which have not been removed or re-packed."
- Act 275 Closed package for grapes and potatoes defined: A basket, box, bag, or other container, the contents of which can not be adequately inspected without opening it.
- Act 276, Whenever contents of an unbroken standard container are stated in terms of a bushel, or its sub-divisions, the bushel shall contain 2150.42 cubic inches, struck measure.
Sec. 2

RHODE ISLAND, Bureau of Markets, State Department of Agriculture, Providence

General Laws of Rhode Island, 1938

Chap 407	
Sec. 24	Containers Standard cu. box for farm produce: 7-1/16 x 17-1/2 x 17-1/2" " 1/2 " " " " 6-1/16 x 13 x 13"
Chap.212	Standard Apple Barrel: U. S. Standard - 7056 cu.in.
Sec.5	Standard bushel box or standard bushel basket for apples, 2150.42 cu.in.
Secs. 1 & 2	Marking Requirements: Closed packages of apples shall be marked in block letters not less than 1/2" high with a statement of the quantity of the contents, name and address of packer, variety (or "Variety Unknown") and minimum size or numerical count in accordance with Sec. 5 of this Chap. (Sec. 5 provides that containers for apples other than the standard barrel or bushel shall be marked in terms of cubical capacity or count.) Repacked apples shall be so marked, with name and address of repacker in place of original packer.
Chap.407	Marking of farm produce boxes: All bushel boxes shall be marked
Sec. 24	not less than 1" in height "Standard Bushel for farm produce", and half bushel boxes, "Standard Half Bushel for farm produce".
Sec. 3	Misbranding: Closed packages of apples are misbranded (1) if they fail to bear all statements required in Sec. 1, or (2) if they bear any statement, design or device which is false or misleading.
Sec. 4	Closed package defined as "a barrel, box, basket or other container, the contents of which cannot be sufficiently inspected without opening it or removing any kind of cover or lid to expose the surface contents to view."
Chap.383	Method of Sale: Nuts, shelled beans, and berries, when sold by
Sec. 8	measure, shall be sold by dry measure.
Public Laws of R.I., 1942, Ch. 1202	
Sec. 1	Establishes a uniform method of selling at retail certain vegetables, viz.: Lima, Fava, Shell, Wax or Green Snap Beans, Peas, Spinach, Kale, Dandelion and Potatoes and such other vegetables of commonly accepted stable classes as may be determined by the Director of Agriculture and Conservation to be sold by weight rather than by dry measure.
Chap.407	Bushel Weights: Legal weights per bushel established for ten
Sec. 22	fresh fruits and vegetables.
Chap. 383	Provides that 50 pounds shall be the legal weight per bushel
Sec.6	for potatoes.
Sec.7	Provides that 50 pounds shall be the legal weight per bushel for onions and other root-crops.

SOUTH CAROLINA, Chief, Division of Markets, Columbia

Code of laws, 1932

Sec.6665	Containers: Gives Division of Markets of Extension Service authority to establish standard containers, and to provide for the marking of such containers. Provides further that any standard containers for farm products or any marking requirements now or hereafter established by the Federal Government shall forthwith, as far as applicable, be established as the official standards for the State. Standards established not to become effective until 30 days after they are promulgated.
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SOUTH CAROLINA, (Cont'd)

- Sec. 6664 Marking Requirements: The net quantity of contents of food in package form shall be plainly marked..or otherwise indicated on the outside or top of the package on a label or tag attached thereto in terms of weight, measure or numerical count. (a) quantity shall be net amount (b) if by weight, shall be in terms of avoirdupois pounds and ounces (c) solids..shall be in terms of weight...except where definite trade custom exists, in which case shall be in terms of weight, measure or numerical count in accordance with such custom (d) shall be in terms of weight or measure unless marking by numerical count gives accurate information as to contents (e) may be in terms of minimum count but must approximate the actual quantity. These marking requirements do not apply to containers with net weight of two ounces or less or with numerical count of two or less.
- Sec. 6658 Container defined as "any receptacle or carton with which a commodity is packed, or any wrapping with which any commodity is wrapped or put up for sale." Does not apply to carrier containers containing smaller individually marked units. Deceptive appearance: No containers, boxes or baskets containing food products shall have a false bottom or be so constructed as to facilitate the perpetration of deception or fraud.
- S. C. Code of Laws, Vol. I, 1934
Sec. 1452(3) Misbranding: Food is considered misbranded if in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package; or if the package or label bears statement, device or design which is false or misleading in any particular.
- Laws of S.C. 1934, No. 869, also Laws of 1939, pp. 1769-1773
Sec. 1 Trade-marks: Authorizes owners of field boxes, crates, containers and receptacles used for fruits and vegetables to adopt an exclusive mark or brand for their identification - to be registered with the Secretary of State.
- Secs. 6, 7 & 8 Provide penalties for alteration or obliteration, etc. of such trade marks, prohibits purchasing of such branded containers from other than registered owner, or their shipment out of the State without owner's permission. Law not applicable to accepted or prescribed Federal standards for fruits and vegetables offered for transportation and sale only.
- Code of Laws, 1932 Bushel and Barrel Weights: Legal weights per bushel specified for 34 and legal weights per barrel specified for 8 fresh fruits and vegetables...the following shall be the legal and uniform standard weight and measure in this State for the sale and purchase of the following named products..(Commodities and weights specified).

SOUTH DAKOTA, Secretary of Agriculture, Pierre,

South Dakota Code, 1939

- Containers:
Sec. 63.0503 Standard barrel for fruits and vegetables: U. S. Standard.
Sec. 63.0603 Berry boxes: 1/2 pint, 1 pint, 1 quart, dry measure.

Secretary of Agriculture authorized to establish standards for open and closed receptacles of farm products with approval of Governor and Secretary of Agriculture of U.S.

SOUTH DAKOTA, (Cont'd)

- Sec. 63.0602 Method of Sale:
Bushel Weights: Legal weights per bushel established for 19 fresh fruits and vegetables: Whenever any of the commodities mentioned in this Section shall be bought, sold, or dealt in by the bushel or fractional part, the measure shall be determined by avoirdupois weight, and a bushel of each of the respective articles mentioned in this Section shall mean the amount of weight herein specified.
It shall be unlawful in buying or selling to take or give a greater or lesser number of pounds to the bushel than is provided in this section.
If any of the foregoing articles (for which weights are specified) are dealt in by the one-half bushel, peck, half peck, quarter peck, quart, or pint, these quantities shall be by weight and shall be derived from the weights per bushel prescribed in this Section.
Marking Requirements: When fruits and vegetables are sold in containers, the net wgt. and name and address of producer or distributor must be printed on the label.

TENNESSEE, Superintendent and State Chemist, Department of Agriculture, Nashville

- Containers: No laws establishing standard containers for fruits and vegetables.
- Annotated Code 1932
- Sec. 6651 Method of Sale: It is unlawful to sell any food commodity by dry (capacity) measure, which shall be sold by weight only. Provided that this shall not apply to dry food commodities shipped into this State when sold in the original packages.
- Sec. 6649 Bushel Weights: Legal weights per bushel established for 34 fresh fruits and vegetables: The following shall be the legal and uniform standard of weights and measures in this State for the sale and purchase of the following named products of the farm, orchard, and garden. (Products and weights specified).
- Sec. 6649 Barrel Measure: Provides for measure of 2-1/2 bushels per barrel for the following 8 products: Apples, Beans, green, in pod, Corn, green with shucks, Cantaloups, Peas, green in hull, Potatoes, Irish and sweet, and Turnips.

Food, Drug & Cosmetic Act, Pub. Acts 1941, Chap. 20

- Sec. 11 Marking Requirements - applicable to fresh fruits and vegetables same as Federal law, namely, a food is misbranded:
- (a) If its labeling is false or misleading in any particular.
 - (d) If its container is so made, formed or filled as to be misleading.
 - (e) If in package form it does not bear a label containing:
 - (1) The name and place of business of the manufacturer, packer, or distributor.
 - (2) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count. (Provision made in regulations for reasonable variations and exemptions as to small packages).

TEXAS, Commissioner of Agriculture, Austin

Rev. Civil Stats. 1925, Title 4, Chap. 6 (From Wgts. & Meas. Laws, 1941 Revision)

Containers: Established by law:

Art. 109 1. Standard bushel basket, 2150.4 cubic inches.

2. 4-basket crate: 4-1/2 x 13 T x 21-1/8" ISM (22" OSL)
11 B.

* (Containing 3-qt. talls of 201.6 cu.in. capacity)

3. 6-basket crate containing 4 qt. till baskets of 268.8 cu.in.each.

4. Folding onion crate 9-13/16 x 11-3/16 x 19-5/8" ISM, 2154.4 cu.in.

5. Standard orange box	12	x 12	x 12"	ISM for each 1/2 of box.
" 1/2 " "	6	x 12	x 12" " " "	" " " " " "

(See Reg. 8 below)

6. 24-quart berry crate containing 24 - 1 qt. boxes of 67.2 cu. in. each

24-pint berry crate	"	24 - 1 pt.	"	"	33.6	"	"	"
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Containers: Established by Regulation:

Standard lug: Ends $3/4$ x $5-3/4$ x $13-1/2$ "

Sides $3\frac{3}{16}$ x $5-3\frac{3}{4}$ x $17-1\frac{1}{2}$ "

Cleat 5/8 x 1-1/4(max.) x 13-1/2"

Reg.8, 1938 Only the following containers shall be used for grapefruit and oranges:

The Standard Box 12 x 12 x 12" for each 1/2 of box

" " 1/2 " or strap 6 x 12 x 12" " " " " "

The 1-compartment box 12 x 12 x 24" (1-3/5 Bu.)

Standard bushel basket 2150.42 cu.in. exclusive of lid

Other closed containers of a capacity of not more than 1-3/5 bushels, with a cubical space not exceeding 3456 cubic inches in the container proper, regardless of the shape and manner of closing.

Rev. Criminal Stats. of 1929, Title 14, Chap. 5, Art. 1037

Sec. C-1 Marking Requirements: Packages must be marked in terms of net weight, measure, or numerical count, and with name and address of packer. Exemptions for small packages, and those sold on the premises where packed.

Sec. C-2 Deceptive pack: It shall be unlawful to sell any commodity in package form if its container is so made, formed, or filled, or if it is so wrapped, as to mislead the purchaser as to the quantity of the contents.

Method of Sale:

Weights and Measures Laws, Rev. 1941

Art. 5733 Standard measure for dry commodities:

1/2 bushel: 1075.21 cubic inches

1	"	2150.42	"	"
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All measures for measuring dry commodities shall not be heaped but shall be stricken with a straight stick or roller.

Bushel Weights: Legal weights per bushel established for 22 fresh fruits and vegetables: Whenever any of the following articles shall be sold...the weight per bushel shall be...as specified.

Rev. Criminal Stats. of 1929, Title 14, Chap. 5, Art. 1037

Sec. B Dry Measure: It shall be unlawful to sell, except for immediate consumption on the premises...commodities not liquid, in any other manner than by measure...by weight, or by numerical count. Does not apply to fruits, vegetables and other dry commodities in original standard packages, nor to vegetables or fruits usually sold by the bunch. Original package defined as "...shall be construed to include a commodity in a package, carton, case, can, barrel, bottle, box, phial or other receptacle, or in coverings or wrappings of any kind...which may be marked, making one complete package of the commodity. Shall include both wholesale and retail package."

Sec. F Whenever any commodity (except bales of cotton) is sold on a basis of weight, it shall be unlawful to employ any other weight in such sale than the net weight of the commodity, and all contracts... should be understood and construed accordingly.

UTAH, Commissioner of Agriculture, Salt Lake City

Laws of Utah as amended 1941, Chap. 1, Sec. 16:

Gives the State Board of Agriculture the power to adopt regulations fixing dimensions and standards for containers of fruits and vegetables and other products, and to prohibit sale or shipment of such products unless the containers are marked in accordance with regulations established by the Board, provided, any product may be labeled or tagged and sold as unclassified exclusively in Utah.

Revised Statutes, 1933, Title 3, Chap. 12

Sec. 23 Containers: 1/2 pint, 1 pint and 1 quart berry boxes.

Revised Statutes, 1935, Title 3, Chap. 13

Sec. 23 Re-use of Containers: No closed container or sub-container of fruits or vegetables within the meaning of this regulation shall bear grade or other designations that are in any way false or misleading. This provision shall be construed to prohibit the repeated use of any closed container or sub-container for fruits or vegetables bearing any markings required by this regulation, or any designations of brands, quality or grade, unless all such markings which do not properly and accurately apply to the products repacked or replaced shall first be completely removed, erased or obliterated.

Revised Statutes 1933, Title 3, Chap. 13:

Sec. 22 Method of Sale: Provides that it shall be unlawful to sell except for immediate consumption on the premises commodities not liquid, in any other manner than by measure of length, by weight, or by numerical count. Provided, that nothing in this section shall be construed to prevent the sale of vegetables, fruit and produce in the U. S. Standard Barrel, or of berries and small fruits in boxes...(those specified under "Containers", above.)
Bushel Weights: No legal weights per bushel for fresh fruits and vegetables.

VERMONT Supervisor of Weights & Measures, Montpelier

Public Laws, 1933

Sec. 7663 Containers: "The commissioner may make suitable rules and regulations to govern the sale of commodities." No standard containers established for fresh fruits and vegetables.

Rules & Regulations under Sec. 7663 Pub.Laws - Issued 1942:

Marking Requirements: "Except when sold in the original container, fruits and vegetables shall be sold according to the regular weights prescribed by law. The original container (the dimensions or capacity of which is established by State or Federal law) the contents of which have not been removed or repacked by the retailer, shall have the net quantity of the contents in terms of weight, measure or numerical count plainly and conspicuously marked." Does not apply to vegetables customarily sold by the bunch.

Rules & Regulations Under Weights & Measures Laws, 1936:

Sec.2 All markings on containers must be on the top or side and must not be obscured in any way.

pg.17
Sec.3 In cases of food, the quantity, when stated in terms of weight or measure, shall be marked in terms of the largest unit contained in the package. Ex., if package contains a pound and a fraction, contents should be expressed in terms of pounds and fractions thereof, or of pounds and ounces and not merely ounces.

Sec.4 When marked in terms of weight, measure or numerical count, no qualifying statement such as "minimum", "not less than", etc. may be used.

Sec.5 Contents shall not be stated by numerical count unless the commodity so sold is in definite units.
Berry boxes need not be stamped, marked or sealed.

VERMONT (Cont'd)

Vermont Apple Grading and Marking Law (Cir. 11 "Official Grades" 1938)

Sec.4 Every package...of apples... shall be conspicuously marked with the name and address of the packer, variety, grade, minimum size or count of apples and name of the State where grown.

Sec.5 Apples in containers or display racks which are sold at retail need be marked only as to variety, grade and minimum size. Apples grown on grower's premises may be sold in bulk or in open packages without such marking.

Weights & Measures Laws, 1936

Pg.7 Method of Sale: Fruit, when not sold according to weights prescribed by law, must be properly graded and sold by numerical count under its proper grade.

Public Laws, Chap. 300, Sec. 7691, 1919

Sec. 5 If commodities are sold by weight, it shall be understood to mean the net weight of all commodities so sold; and all contracts concerning goods sold by weight shall be understood and construed accordingly.

Public Laws, 1933

Sec. 7673 Bushel Weights: Legal weights per bushel established for 25 fresh fruits and vegetables: When...purchased or sold by the bushel, the bushel shall consist of the number of pounds herein set forth.

VIRGINIA Director, Division of Markets, Richmond

Code of Virginia, 1930:

Sec. 1251 Containers: Authorizes the Director, Division of Markets to establish official standard containers.

Sec.1485(21) 1/2 pint, 1 pint, 1 quart berry boxes.

Sec. " (20) Standard fruit and vegetable barrel: U. S. Standard and sub-divisions. Recognized standard apple box: 10-1/2 x 11-1/2 x 18" ISM

Sec.1485(13 $\frac{1}{2}$) Method of Sale:...except for immediate consumption on the premises, commodities not liquid shall be sold by measure of length, by weight, or by numerical count, unless otherwise agreed in writing...provided, fruits and vegetables may be sold in the standard barrel; berries and small fruits in standard boxes; and fruits and vegetables usually sold by the head or bunch may be sold in that manner. Provided further...that this section does not apply to foodstuffs put up in original packages. "Original packages" defined as "Package, carton, case, can, barrel...or other receptacles, or in coverings or wrappings, and shall include both wholesale and retail packages."

Sec.1485(14) Bushel Weights: Legal weights per bushel established for 7 fresh fruits and vegetables: "In all sales by weight of the products named herein, the number of pounds stated shall be the true and legal standard."

Chap. 74, Acts of the General Assembly, 1927, as amended 1934

Marking Requirements for apples:

- (A) All closed packages of apples shall be marked in letters not less than 3/8" high in the case of baskets, or 1/2" in the case of barrels, as to variety, minimum size, grade, name and address of packer, size of container or quantity of apples. (Detailed instructions given).
- (B) All markings must be on one end of the barrel or box, or on the cover or sides of the basket. Sacks or other closed containers must be either branded or labelled.
- (C) Recognized standards for apples:

U. S. Standard barrel
1/2 and 1 bushel baskets
Northwestern Apple Box

Other boxes or cartons holding 1/2 or 1 bushel standard measure, when dimensions are approved, may be recognized as standard.

VIRGINIA (Cont'd)

- (D) Cull apples sold in open packages or in bulk, except to by-products plants, shall be marked on the package or by a sign with the words "Culls" in letters not less than 4" high.
Packing Requirements: Each package shall be packed so that the apples in the shown face shall be reasonably representative in size, color and quality of the contents of the package. (Detailed instructions for packing in barrels, boxes and baskets).

WASHINGTON, Supervisor of Horticulture, Department of Agriculture, Olympia:

Pierce's Code, 1929:

- Containers: (A) Established by Law:
 Sec. 7250-60 1/3 U. S. Cranberry Barrel: 1942 cu. in.
 " 62 Standard apple box 10-1/2 x 11-1/2 x 18" ISM
 " *Standard pear box 8 x 11-1/2 x 18" "
 " 51 Standard sack of potatoes 100 pounds, net.
 " 52 Standard box for berries U. S. dry qt., dry pt., dry 1/2 pt.
 Compulsory Release Laws on apples, pears, potatoes, and cantaloups.
 Laws 1937, Chap 204, Apples and pears
 Laws 1941, Chap. 189, Cantaloups and Potatoes

Unlawful to move apples, pears, potatoes and cantaloups from one district to another within the State except for preparation for market or to ship out of the State without obtaining a certificate of inspection or a permit.

(B) Established by Regulation:

Prunes	4-basket crate	4-1/2 x 16 x 16"	ISM
	3-1/4" box	3-1/4 x 11-1/2 x 18"	"
Peaches & Tomatoes }		4-1/2 x 11-1/2 x 18"	"
Cherries	10-pound	4 x 11-1/2 x 18"	"
	20-pound	2-1/4 x 9 x 18"	"
Berry Crates	24-pt. shallow	4-1/2 x 9 x 18"	"
	24-pt. deep	5-1/2 x 15-5/8 x 21-7/8 "	"
	24-Pt. Kennewick	5-3/4 x 13-3/4 x 18-5/8 "	"
	16-qt. crate	6-3/4 x 12-1/4 x 16-1/4 "	"
		7-1/2 x 10-7/16 x 21-1/2"	"
<u>Note:</u> Berry Hallocks: Order No. 352, Issued January 26, 1942, Effective after July 1, 1942, declared Hallock type of berry box containing the raised or set up bottoms to be illegal and deceptive.			
Cantaloups	Standard	12 x 12 x 22-1/2"	
	Special	12 x 12 x 21"	
	Pony	11 x 11 x 22-1/2"	
	Flat	4-1/2 x 13 x 22-1/2"	
Asparagus	Crate	9-1/2 x 5-1/2 x 18"	
		7-1/2	
	Kennewick Flat	2-1/2 x 14 x 18-3/16"	
Potato Crates		11-1/2 x 16 x 22-1/2"	
		29 x 21 x 30"	

Laws of 1939, Chap. 222

- Cull Apples, Marking, Shipment, etc.
 Sec. 2 Containers of cull apples must be marked on top and bottom "Culls" in clear and legible letters at least 2-1/2" high.
 Sec. 6 Prohibits shipment of culls out of area of production except to processing plants unless packed in one bushel wooden baskets, ring-faced and with lids. Apples in ring face to be representative of contents.
 Sec. 7 An assessment of 5 cents on each basket of culls shipped within the State - to be used for research to establish additional uses for apples, particularly culls.

*See Special Notes, p. 56

WASHINGTON, (Cont'd)

Apple Grading Law of 1939

Marking: Closed and open containers of apples shall be marked as to variety or "Variety Unknown", grade, name and address of shipper, grower or packer, and if closed, as to net contents in terms of weight, measure or numerical count.

Mandatory Marking - Specific Commodities:

Closed boxes of asparagus, cucumbers and grapes, and open or closed boxes of rhubarb must be stamped or marked as to name and address of person, firm or association, variety, grade and net weight. Apricots in closed or open boxes - Same as asparagus except net wgt. not required on open boxes.

Cantaloups - Same as asparagus except count allowed in lieu net wgt.

Peaches " " " " count required.

Pears " " " " count or dry measure required.

Strawberries(Cr)" " " " net weight not required.

Tomatoes Same as asparagus except count may be substituted for net wgt. (July 1 to Nov. 1)

Tomatoes Same as July-Nov. except size must also be shown. (Nov. 1 to July 1)

Potatoes - If Culls, must be so marked in large letters.

Note: When above commodities shipped to canneries or by-products plants, no marking required.

Bushel Weights: No legal weights per bushel established for fresh fruits and vegetables.

WEST VIRGINIA, Commissioner of Agriculture, Charleston

Code of West Virginia, Amended 1937, Chap. 47, Art. 1

Containers

Sec. 31 Standard fruit and vegetable barrel: U. S. Standard
" Cranberry barrel: " " "

Sec. 32 2, 4, 12 qt. Climax baskets

Sec. 33 Berry boxes and till baskets: 1/2 pt., 1 pt., 1 qt. or multiples of the dry quart.

Marking:

Sec. 24 The net quantity of the contents of any commodity in package form shall be plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. (Reasonable variations and exemptions as to small packages).
Term "Package" defined: "to include the retail and wholesale package, carton, case, basket, can, box, barrel, half barrel, hamper, keg, drum, jug, jar, crock, bag, pail, wrapping parcel, package, bottle, phial, or other receptacle, which may be labeled or otherwise marked, making one complete package of the commodity. Provided, That a box or carton used for shipping purposes containing a number of smaller packages which are individually marked...will not be required to bear the weight or measure of contents."

H. B. 192, Ch. 3, 1939

Sec.7 (8) Prohibits false or misleading labeling of agricultural products, or labeling which does not identify the producer, manufacturer or handler, and have an accurate statement of the contents in terms of weight, measure or numerical count; prohibits deceptive containers, and has other health regulations similar to those in Federal Food, Drug and Cosmetic Act.

WEST VIRGINIA, (Cont'd)

Marking Requirements (Cont'd)

Code of W.Va. Chap. 19, Art. 5, Rules and Regulations, July, 1941

Sec. 2 Provides that every closed package of fruits and vegetables "shall be marked on the outside in letters not less than 1/2 inch high, as to variety, minimum size, grade, name and address (of packer), size of containers or quantity of product, and brand name, if any." Marking must be on the end of the barrel or box or on the cover of the basket. Closed sacks must be either branded or labelled. Packing Requirements: From "Marketing of Fruits and Vegetables in W. Va." issued July 1941: The shown face of packages of apples, peaches, pears, etc. shall be reasonably representative of the contents in size, color or quality. Specific instructions for packing in different types of containers.

Code of W.Va. Amended 1937, Chap. 47, Art. 1:

Sec. 34 Method of Sale: Whenever any commodity is sold on a basis of weight, sale shall be by net weight, and all contracts concerning goods sold by weight shall be understood and construed accordingly.

Weights and Measures Law:

Sec. 27 Bushel Weights: Legal weights per bushel established for 39 fresh fruits and vegetables: Except when sold in baskets or containers provided in Section 32 and 33 (Climax baskets, berry boxes and till baskets) a bushel of the respective articles hereinafter mentioned shall be the amount of weight avoirdupois specified.

WISCONSIN, Commissioner, Department of Agriculture, Madison

Wisconsin Statutes, 1939, Chap. 98

Sec. 09 Authorizes State Department of Agriculture to establish standards for receptacles for food products.

Chap.98) Containers:

Sec. 16)	(6)	Standard barrel for fruits and vegetables:	U. S. Standard
	(7)	" cranberry barrel:	" " "
	(8)	" crate, box or basket for fruits:	1 bushel
	(9)	" " (blueberry and cranberry):	1 bushel
	(10)	1/2 pint, 1 pint, 1 quart berry boxes	
	(11)	Containers for fruits and vegetables:	1, 2, 3, 4, 5, 6, 8, 16 and 24 quarts (See U. S. Standard Container Act 1928)

Sec. 17 Standard hop boxes:

Method of Sale:

Sec.16 (13) All contracts for the sale of apples, pears, cranberries, or other fruits, potatoes or other vegetables, by the barrel or crate, unless it is otherwise expressly stipulated in writing, shall be construed to mean barrels or crates of the capacity prescribed in sub-sections (6), (7), (8) and (9) of this section.(Sec. 16 above).

Sec. 09 When any commodity shall be sold by weight it shall be understood to mean the net weight, and all contracts concerning goods or commodities sold by weight shall be construed accordingly unless...inconsistent with the special agreement of the parties contracting.

Sec. 10 Bushel Weights: Legal weights per bushel established for 18 fresh fruits and vegetables: Whenever any of the commodities mentioned in this section shall be sold by the bushel and no special agreement as to the weight thereof shall be made in writing, the measure thereof shall be ascertained by avoirdupois weight and shall be computed as follows: (weights specified). All dry commodities not otherwise specified in this section shall be bought or sold only by standard dry measure, standard weight or numerical count, except where parties otherwise agree in writing.

WISCONSIN (Cont'd)

- Method of Sale, (Cont'd)
- Sec. 11 Establishes standard bushel and standard half bushel. "The half bushel and the parts thereof...shall be the standard measure for fruits, vegetables, and other dry commodities customarily sold by heaped measure;...and shall be heaped as high as may be without special effort or design."

WYOMING, Commissioner, Department of Agriculture, Cheyenne

- Containers: State Department of Agriculture authorized to establish standard containers for fruits and vegetables, but apparently none established.
- Session laws of Wyoming, 1921, Chap. 73
- Sec. 10 Method of Sale: "Whenever any commodity is sold on a basis of weight,...such sale shall be by net weight only, and all contracts concerning goods sold on a basis of weight shall be construed accordingly."
- Sec. 11 Bushel Weights: Legal weights per bushel established for 11 fresh fruits and vegetables: All commodities hereinafter named in this section shall be sold by the bushel or by weight, and when sold by the bushel, the bushel shall consist of the number of pounds hereinafter stated. (weights specified).

TABLE I

BASKETS AND HAMPERS FOR FRUITS AND VEGETABLES STANDARDIZED BY STATE LAW AND REGULATION

	Berry Boxes			Tills			Climax			Hampers*					Round Stave Baskets*					Splint Baskets					
	Pt.	Pt.	Qt.	Quarts	Quarts	Quarts	Quarts	Quarts	1/4	1/2	5/8	3/4	1	1-1/2	1/4	1/2	5/8	1	1-1/2	2	4	8	12	16	24
Cal.	x	x	x	x	x	x	x											x							
Colo.	x	x	x	x	x	x	x																		
Conn.	x	x	x	x	x	x	x																		
Del.		x	x																						
D. C.	x	x	x	x	x	x	x																		
Fla.																									
Ida.		x	x	x	x	x	x																		
Ill.	x	x	x	x	x	x	x																		
Ind.	x	x	x	x	x	x	x																		
Ia.	x	x	x	x	x	x	x																		
Kans.	x	x	x	x	x	x	x																		
La.																									
Me.	x	x	x	x	x	x	x																		
Ma.	x	x	x	x	x	x	x																		
Mass.	x	x	x	x	x	x	x																		
Mich.	x	x	x	x	x	x	x																		
Minn.	x	x	x	x	x	x	x																		
Mont.		x	x	x	x	x	x																		
Nebr.	x	x	x	x	x	x	x																		
N. H.	x	x	x	x	x	x	x																		
N. J.	x	x	x	x	x	x	x																		
N. Mex.		x	x	x	x	x	x																		
Ore.	x	x	x	x	x	x	x																		
Penn.		x	x	x	x	x	x																		
All U. S.																									
standard sizes																									
S. Dak.	x	x	x	x	x	x	x																		
Tex.	x	x	x	x	x	x	x																		
Utah	x	x	x	x	x	x	x																		
Va.	x	x	x	x	x	x	x																		
W. Va.	x	x	x	x	x	x	x																		
Wis.	x	x	x	x	x	x	x																		
4																									

*multiples of the dry qt. or otherwise, marked to show capacity.

"1/2 bu. hamper and smaller sizes".

Bushel basket recommended standard with dimensions prescribed.

Also 5, 6, 8, 16 and 24 qt. "containers for fruits and vegetables".

Boxes for berries and small fruit to contain 1 pt. and 1 qt. liquid measure. See Note p. 25

Also 8, 16, 20 and 32 qt. "containers".

Liquid measure - See Special Notes, p. 56

Also, for cranberries, "containers or cartons holding pt., qt., 2 and 4 qts."

All pint boxes standard in Ore. except those with set-up bottom.

S.C.: * Note: Three U.S. standard sizes not listed: Hampers: 1/8, 1-1/4 and 2 bu.; Round Staves: 1/8, 3/4 & 1-1/4 bu. standards accepted."

TABLE II

BARRELS FOR FRUITS AND VEGETABLES AND CRANBERRIES STANDARDIZED BY STATE LAW

	U. S. Standard Fruit & Vegetable Barrel	Sub-Divisions 1/3 1/2 3/4			U. S. Standard Cranberry Barrel	Sub-Divisions 1/3 1/2 3/4		
<u>1</u> Conn.	x							
Del.	x				x			
D. C.	x				x			
Ill.	x	x						
Kans.	x							
Ky.	x							
Me.	x							
Md.	x							
Mass.	x				x			
Mich.	x				x			
Mo.	x							
N. H.	x							
N. J.					x			
N. C.	x	x		x	x			
Ohio	x							
Ore.								
Penn.	x	x		x	x			
R. I.	x							
S. D.	x							
Va.	x	x		x				
Wash.								
W. Va.	x				x			
Wis.	x				x			

1 Defined as "11 pecks". U. S. Standard fruit and vegetable barrel holds approximately 3 bushels and 9 quarts or 13 pecks, approximately.
2 Also "Standard Apple Barrel", 7,000 cu.in. (U. S. Standard: 7,056 cu.in.)
3 Also a fruit and vegetable barrel and pea and bean barrel - not U. S. Standard.
4 Not U. S. Standard.
5 Dimensions not strictly U. S. Standard.

Note: S. C. : U. S. Standards accepted.

TABLE III
CRATES AND BOXES FOR FRUITS AND VEGETABLES FOR WHICH ONE OR MORE
STANDARDS HAVE BEEN ESTABLISHED BY STATE LAW OR REGULATION

States	Apple	Apricot	Artichoke	Asparagus	Beets	Berry Crates	Cabbage	Cantaloup	Carrots	Cauliflower	Celery	Cherry	Citrus	Cranberry	4-basket crate	Grapes	Hops	Lettuce	Onions	Peach	Pear	Peas	Persimmons	Plums & Prunes	Pomegranate	Potatoes	Produce Boxes	6-basket crate	Spinach	Sweet Potatoes	Tomato	Watermelon	TOTAL Standard Containers
Calif.	x	x	x																														20
Ore.	x	x																															20
Wash.	x			x																													11
Idaho	x																																10
D. C.	x																																6
N. J.	x																																6
Tex.																																	3
Ariz.																																	3
Fla.																																	3
Mass.																																	3
Wis.																																	3
Conn.																																	2
Ill.																																	2
Kans.																																	2
Mich.																																	2
Miss.																																	2
Mont.																																	2
N. H.																																	2
N. Mex.																																	2
N. Y.																																	2
Penn.																																	2
R. I.																																	2
Ark.																																	1
Colo.																																	1
Ga.																																	1
La.																																	1
Me.																																	1
Md.																																	1
Va.																																	1
29																																	121
TOTAL																																	

SPECIAL NOTES

CALIFORNIA

Certain provisions of the Agricultural Code governing fruit and vegetable standardization have requirements for net weight, count, or specific standard containers. Net weight is required in the case of asparagus; net weight or cubical contents in the case of apples. Under certain conditions numerical count is required for apples, carrots, celery, citrus fruits, lettuce, peaches, pears and plums. Mandatory standard containers are specified for artichokes, berries, and lettuce. For other commodities the standard containers provided must be used under certain conditions, but irregular containers may be used if so marked. For still others permissive containers are established but their use is not compulsory. For information on the application of these features and related details the Agricultural Code of California should be consulted.

Container No. 1: A basket of the dimensions specified would have a computed capacity of 3 quarts plus 10 cubic inches, and since the excess tolerance for a 3-quart basket under the regulations of the U. S. Standard Container Act of 1916 is 7-1/2 cubic inches, such a basket could not be considered of standard size under this law.

Container No. 1-A: A basket of the dimensions specified would have a computed capacity of 3 quarts minus 1 cubic inch. While this is within the established deficiency tolerance of 3-3/4 cubic inches for a U. S. standard 3 quart basket, baskets which are consistently under standard capacity do not comply with Regulation 2, Par. 2 of the regulations under the Standard Container Act of 1916. Note: This basket is used in standard fruit boxes 11-1/2" wide and 18" long. Three such baskets (5-3/4" wide at top) will not quite fill the 18" box although used in this way, but not generally.

Container No. 1-B: This basket also fails to comply with the capacity requirements of the Standard Container Act of 1916. Designed to fit in the so-called 9-basket crate, it has a capacity of approx. 18 cubic inches in excess of one quart, but under a Supreme Court decision may be used for grapes and "tree" fruits, as distinct from "small" fruits mentioned in the Act, until such time as the law is clarified by legislative action.

Container No. 1-C: A basket of the dimensions specified would have a computed capacity of 4 quarts minus 3.2 cubic inches, and the same comment applies to it as to Basket 1-A.

Note: These discrepancies have been called to the attention of the California authorities, and it is understood that it is the intention to request their correction by the State legislature when the time is opportune.

Sec. 802.6 Container No. 4: 12 basket crate. Pint baskets are used in this container; standard for cherries only. This type of pack used very rarely. Grapes for shipment cut of California shall be placed in Containers Nos. 1, 1-B, 1-C, 2, 5, 6, 7, 8, 9, 9-A, 28, 29, 30-A, 37-A to G, incl., 38-H-I-J, 49 and 50, subject to certain restrictions and additions. Except as otherwise designated, all such containers shall be considered as standard for grapes when packed with or without pads. The depth dimensions of containers exclusive of cleats, designated for grapes in this Chapter (Chap. 2, Div. V) shall apply only to the depth of the head of such container.

" Containers Nos. 5, 6, 7, 8, 9, 9-A, 30-A, 38-H, 38-I, 38-J for grapes are standard with or without cleats provided sides are not placed above the container head.

Container No. 9-B: Designed to hold a square basket holding approx. 2-1/3 qts. Containers Nos. 12-B, and 14-18A, inclusive, are used in California for wrapped and packed plums and fresh prunes.

829.25 In Container No. 21 for artichokes the following sizes may be put up as standard pack:

- Size 1 Packed with not more than 60 artichokes.
- " 2 More than 60 but not more than 75 artichokes.
- " 3 More than 75 but not more than 96 artichokes.
- " 4 More than 96 but not more than 125 artichokes.
- " 5 Shall constitute a standard pack in Standard Container No. 22 and shall pack not more than 125 artichokes.

SPECIAL NOTES, Cont'd.

CALIFORNIA, Cont'd.

Sec.

806. Container No. 23 shall be standard for plums and fresh prunes only when such fruits are wrapped and packed throughout the container.
- 802.6 Containers Nos. 28, 29, 49 and 50 are standard for grapes only when packed with sawdust or other packing material so as to completely surround and cover the grapes, and used without cleats.
- Container No. 30: Formerly standard for artichokes, but eliminated by 1931 legislature. Left in table of standards for possible use for some other commodity.
- " Containers Nos. 30-A and 38-H are standard for grapes only when they contain bunches individually wrapped in paper or other protective wrapping material, and are packed in excelsior or other similar packing material.
- 828.85 In Containers 32 and 34 the average inside length of the two compartments between center and end pieces shall be 11-15/16" minimum.
- " Containers designated as standard for apricots, cherries, peaches, pears and plums and fresh prunes in this Chap. (Ch. 2, Div. V) shall be considered standard for such commodities when used with or without cleats, even though the sides of the container are placed above the container head.
- 802.6 Containers Nos. 37-A to 37-G, inclusive, are standard for grapes without cleats, or with cleats of the following dimensions, provided the depth is 4-7/16" minimum, 6-5/8" maximum:
- | | | |
|---------|--------|------------------------|
| | Depth | Width |
| Cleats: | 3/8" | 11/16" |
| | 1/2" | 11/16" |
| | 11/16" | 11/16", 7/8" or 1-3/8" |
| | 7/8" | 11/16" |
- Only the depth measurements of these cleats shall be used to increase the depth measurement of the container.
- " Container No. 37-G shall also be considered standard for grapes when each head piece is beveled across each bottom corner at an angle of 45 degrees, starting 2 inches from each such corner, and is notched at the center of the base by a triangle with a base of 4 inches and an altitude of 2 inches and bottom slats are attached to each bevel and to each side of the notch, so as to affect the contour of the box.
- " Containers Nos. 37-D, 37-F and 37-G shall also be considered standard for grapes when constructed as display lugs (which are defined) and subject to certain restrictions.
- 812.4 Bunched carrots when packed in closed wooden containers shall be packed either in Standard Container 45-C with a 9-inch depth or in Standard Container 45. A pending bill, if enacted, would make Container 45-B also standard for carrots.
- 828.7 Standard Containers 45-A, B and C when lidded, shall have a lid not over 25 inches long. The inside lengths of Containers 45, 45-A-B-C and 46 shall be measured between the end slats except that if flat end posts wider than 1-1/2" are used the inside length shall be measured between the posts.
- 828.83 In Containers Nos. 53, 54 and 55 the total inside length shall be 23-7/8" minimum or 24-1/8" maximum.
- " In Containers Nos. 56 and 57 " " " " " " 24-7/8" minimum or 25-1/8" maximum.
- " For Containers 53, 54 and 55 the lids shall not exceed 26-1/8", and for Containers Nos. 56 and 57 - 27-1/8".
- 829.5 California law does not prohibit the use of experimental containers other than those prescribed; provided certain requirements are met.

DELAWARE:

A barrel of the prescribed capacity - 11 pecks, or 5913.6 cubic inches conforms neither to the U. S. standard fruit and vegetable barrel (7,056 cubic inches) nor to the U. S. Cranberry barrel (5,826 cubic inches), and would therefore be illegal for those commodities.

KANSAS:

Sec. 83-109: The standard barrel is no longer used in packing apples; it is occasionally used in packing vegetables such as sweet potatoes.

Sec.83-111: State authorities advise that dry measure for small fruits is used very little in Kansas as berries and cherries are packed exclusively by liquid measure. (See also Note under Sec. 83-117 p. 25).

Sec.83-112: The standard apple box is used but little in Kansas, where apples are packed largely in U. S. bushel baskets - round and flat bottom tubs.

SPECIAL NOTES, Cont'd.

MAINE:

The "Standard Apple Barrel" of 7,000 cubic inches prescribed does not comply with the U. S. Standard Barrel law establishing a standard fruit and vegetable barrel of 7,056 cubic inches.

MARYLAND:

Of the three barrels standardized by Maryland law only the dimensions of the "Standard Barrel for Apples" conform to those prescribed for the U. S. Fruit and Vegetable Barrel in the Standard Barrel Act. The Pea and Bean Barrel, having a capacity of 6253.75 cubic inches is illegal under this law. No capacity is prescribed for the "Fruit and Vegetable Barrel", or the Standard Barrel for Apples but the dimensions specified for the former do not conform to those established by the U. S. Barrel Act.

MISSOURI:

To be a legal barrel for fruits and vegetables a barrel must either conform to the dimensions fixed by the U. S. Barrel Act, within prescribed tolerances, or have a capacity of 7,056 cubic inches.

NEW JERSEY:

Regulation 19 states "height at ends 11 inches, and sides, when properly constructed, 10-1/4 inches." Where the level of sides and ends is not the same, the U. S. Department of Agriculture considers the depth at ends as the effective depth for the reason that the cover rests on the ends, determining the effective capacity of the box.

NEW MEXICO:

Berry boxes of sizes designated in Sec. 153.125, liquid measure, are barred from interstate commerce by the U. S. Standard Container Act of 1916, which standardizes berry boxes on the basis of dry measure. U. S. dry quart contains 67.2 cubic inches; liquid quart: 59.75 cubic inches.

NEW YORK:

Standard Celery Crate: The specified capacity of 7304 cubic inches includes the space occupied by inside corner posts, if any are used. If used, such posts shall not be larger than 1-1/2 inches square.

OHIO:

While the Ohio law limits to four the number of standard sizes of hampers and round stave baskets, the Federal Standard Container Act of 1928 provides for nine sizes of these two types, which are national standards.
See Note on Missouri regarding barrels.

OREGON:

Sweet cherries: Oregon 15# lug: A variation of 1/2 inch above or below the standard width and 1/4 inch above or below the standard depth is allowed, but the lug must hold not less than 15# of cherries.
Raspberries: Cups with set up bottoms judged deceptive under U.S. Food, Drug & Cosmetic Act.

TEXAS:

Container No. 2, Art. 109, 4-basket crate: Dimensions of 3-quart tills contained in crate prescribed as follows: Top 6 x 10"
Bottom 5 x 8"
Depth 4"

WASHINGTON:

Standard pear box: While the depth of this box as fixed by the State law is 8", the box in use has a depth of 8-1/2". It is planned to have the legal dimensions corrected in this respect in the 1943 session of the State legislature.

APPENDIX - 1

Approximate or Average Weights of Fresh Fruits and Vegetables
and Other Conversion Factors Used by the
U. S. Department of Agriculture*

Commodity	Unit	1	Approx. Net Wgt. (lbs.)	Commodity	Unit	Approx. Net Wgt. (lbs.)
Apples	Box	2	44	Grapefruit		
	Barrel		140	Florida	Box	17 80
Apricots	Bushel		48	Calif.	"	18 60
Western	Crate	3	22	Grapes	Bushel	48
Artichokes:				Eastern	12-qt. basket	18
Globe	Box	4	40		Lug Box	19 28
Jerusalem	Bushel		50		4-basket crate	20 20
Asparagus	Crate, 1 doz.		24			
	2-lb. bunches			Western	Keg (2,642 cu.in.)	21 32
Avocados:					Box, sawdust pack	22 34
Calif.	Box	5	13	Kale	Bushel	18
Florida	"	6	12-15	Lenons, Calif.	Box	23 76
Bananas	Bunch, 8-9		45-65	Lentils	Bushel	60
	hands			Lettnce	Western Crate	7 70
Beans				Limes	Box	17
Lima, unshelled	Bushel		32	Onions, green		
Snap	"		30	bunched	Crate	7 50-55
Beets				Oranges:		
Without tops	"		52	Florida	Box	17 90
Bunched	Western Crate	7	55-60	Calif.	"	18 70
Berries, frozen pack:				Farsnips	Bushel	50
Without sugar	50-gal. bbl.		380	Peaches	"	48
3+ 1 pack	"		425	"	Lug box	19 20
2+ 1 pack	"		450	Pears	Bushel	50
Blackberries	24-qt. crate		36	Western	Box	24 46
Cabbage	1-1/2 bu. hamper		50	Peas:		
	Western Crate	7	80	Green, unshelled	Bushel	30
Cantaloups	Standard	45		Peppers	"	25
	crate	8	60	Pineapples	Crate	25 70
				Plums & prunes	Bushel	56
					Crate	3 20
					Suitcase lug	26 16
Carrots				Potatoes	Bushel	60
Without tops	Bushel		50		Barrel	165
Bunched	Western Cr.	7	55-65	Quinces	Bushel	48
Cauliflower	1-1/2 bu. crate		37	Raspberries	24-qt. crate	36
Celery	2/3 crate	10	90	Rutabagas	Bushel	56
Cherries				Soybeans	Bushel	60
With stems	Bushel		56	Spinach	"	18
Without "	"		64	Strawberries	24-qt. crate	36
	Flat Box	11	15	Sweetpotatoes	Bushel	27 55
Cowpeas	Bushel		60	Tangerines, Fla.	1/2 strap	28 40
Cranberries	Barrel		100	Tomatoes	Bushel	53
	1/4 Bbl. Box	15	25		Lug box	19 32
Cucumbers	Bushel		48	Turnips:		
Dewberries	24-qt. crate		36	Without tops	Bushel	54
Eggplant	Bushel		33	Bunched	Crate	7 60-80
Figs, fresh	Box, single			Watermelon	Avg. or medium	25
	layer	16	6	size melon		

*Contained in Separate from Agricultural Statistics, 1941, No. 50, obtainable upon request to U. S. Department of Agriculture.

See Footnotes at end of table.

References Regarding Approximate Weights

- 1 Standard bushel used in the United States contains 2150.42 cubic inches; the gallon 231 cubic inches; the cranberry barrel, 5,826 cubic inches, and the standard fruit and vegetable barrel, 7,056 cubic inches. Such large sized products as apples and potatoes are sometimes sold on the basis of a heaped bushel, which would exceed somewhat the 2150.42 cubic inches of a bushel basket level full. This also applies to such products as sweet potatoes, peaches, green beans, green peas, spinach, etc.
- 2 Approximate inside dimensions: 10-1/2 x 11-1/2 x 18 inches
- 3 " " " 4-1/2 x 16 x 16-1/8 "
- 4 " " " 9-3/4 x 11 x 20-5/8 "
- 5 " " " 3-3/4 x 13-1/2 x 16-1/8 "
- 6 " " " 4-3/16 x 13-1/2 x 16-1/8 "
- 7 " " " 13 x 18 x 21-5/8 "
- 8 " " " 12 x 12 x 22-1/8 "
- 10 " " " 22 x 16 x 20-3/4 "
- 11 " " " 3-3/4 x 11-1/2 x 14-1/8 "
- 15 " " " 9-1/4 x 10-1/2 x 15 "
- 16 " " " 1-3/4 x 11 x 16-1/8 "
- 17 " " " 12 x 12 x 24 "
- 18 " " " 11-1/2 x 11-1/2 x 24 "
- 19 " " " 5-3/4 x 13-1/2 x 16-1/8 "
- 20 " " " 4-3/4 x 16 x 16-1/8 "
- 21 About 13 pounds of sawdust are required to pack 32 pounds of grapes in a keg, thus making the total weight about 45 pounds.
- 22 Approximate inside dimensions, 7-3/4 x 15 x 18-3/4 inches
- 23 " " " 10 x 13 x 25 "
- 24 " " " 8-1/2 x 11-1/2 x 18 "
- 25 " " " 12 x 10-1/2 x 33 "
- 26 " " " 3-1/4 x 11 x 18 "
- 27 This average of 55 pounds indicates the usual weight of sweet potatoes when harvested. Much weight is lost in curing or drying, and the net weight when sold in terminal markets may be far below 55 pounds.
- 28 Approximate inside dimensions: 6 x 12 x 24 inches

